THE

Parliamentary Regiſter;

OR

HISTORY,

OF THE

PROCEEDINGS AND DEBATES

OF THE

HOUSE OF COMMONS

VOLUME II.

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HOUSE OF COMMONS;

CONTAINING AN ACCOUNT OF

The moft interefting SPEECHES and MOTIONS; accurate Copies of the moft remarkable LETTERS and PAPERS; of the moft material EVIDENCE, PETITIONS, &c. laid before and offered to the HOUSE,

DURING THE

FIRST SESSION of the FIFTEENTH PARLIAMENT

OF

GREAT BRITAIN.

VOL. II.

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THE HISTORY

OF THE

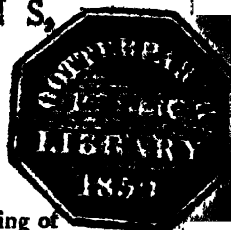
Proceedings and Debates

Of the FIRST SESSION of the

HOUSE of COMMONS,

OF THE

Fifteenth Parliament of *Great-Britain*.



February 26.

THE order of the day being read for the second reading of the bill, for the better regulation of his Majesty's civil list revenue, and for abolishing several useless, expensive and inconvenient places, and for applying the monies arising therefrom to the public service.

Mr. *Burke* desired that the Journals of the 6th of April 1780, containing the resolutions of the House, that the influence of the crown had encreased and ought to be diminished, might be read, they accordingly were so. He rose again and said, he should not offer any more arguments then in support of the motion, having trespassed so long on the attention of the House very recently on the same subject. He would content himself with only remarking, that if there should appear in the bill, on its being read, any little inaccuracies, not immediately defeating its general scope and tendency, such imperfections ought not to be adduced in argument against its commitment, for in the committee, every requisite correction would be admitted. One of these obviously was a clause for reducing the board of green cloth, and executing the dependent offices by contract, which being given up on all sides last year, should have been struck out of the bill, but had remained in it through inadvertency. This he should readily agree to alter in the committee, and therefore hoped no gentleman would build an objection upon it. If the general principle of the bill was concurred in, every difficulty would instantly vanish. Mr. Burke.

The question for the second reading being put,

Mr. De Grey. Mr. *De Grey* rose and intreated the indulgence of the House for a few minutes; that he might offer his objections to the bill before them. This was the proper stage since his objections lay chiefly against the principle of the bill. He begged to be understood to mean no disrespect to the honourable author of the business. There was no man in the House that more sincerely reverenced the abilities of that gentleman than himself; but in the consideration of a great national question, he trusted he should be forgiven for preferring duty to esteem, and for offering with humility his objections to a bill even introduced by that gentleman. He viewed it as a bill the principle of which, would be more injurious than the object would be beneficial. If œconomy was the only purpose of the bill, it would be impertinent in him or any man, to say a word against it. The necessity was evident; at all times it was useful and proper, but in the present situation of this country, involved in a most expensive and calamitous war, it was peculiarly and essentially necessary: but œconomy was not to be purchased at the expence of principle, it was not to be procured by the violation of sacred rights; he must not commit outrage to find resource, nor destroy the constitution to save the country. It was on this ground that he must oppose it; he disapproved of the means by which the end was to be procured. The bill pointed out and connected the objects of the reform, as well as the manner of carrying the plan into execution, so far as the plan extended; the whole system therefore was before the House, and being enabled to compare the principle with the object, the means with the end, he said, he must object to it, for the one was charged with much more injury, than the other could be productive of benefit. The bill coupled two objects, which in his opinion ought to have been kept separate and distinct, the resumption of a part of the civil list, and the regulation of the public offices. With regard to the first of these objects, it was with the utmost delicacy that he should presume to speak of it, because he thought that nothing but the last stage of political necessity could justify the House in applying to a remedy so sacred. That the House was competent to enquire into, and correct all abuses in the public expenditure, and in the management of the money granted by Parliament for the services of the state, was beyond a doubt. It was an inherent, fundamental right, vested by the constitution in the legislature. But that the civil list revenue was to be ranked under that head, and to be included under the same power, was a question which yet

remained

remained to be tried: a question on which he [illegible] the House would not be over anxious to determine. The civil list revenue of the crown was granted by Parliament in the most solemn and substantial form, and granted at the same time for purposes constitutional and necessary. To resume that grant could not be done, in his opinion, without the violation of a solemn engagement, an engagement which had been made with the best of motives, after the most serious deliberation. The House had not at any time interfered with the privy purse. Even the secret committee of 1741 had held it sacred. The act for establishing the King's civil list passed in the first year of every reign, and was granted to him for life, it freely and unanimously gave him 800,000l. and since the last act passed, it had been increased by a grant of 100,000l. a year, also given for life. Such was the bargain made with his Majesty in lieu of the crown lands. The fit time to have agitated such a question as the present was, when this additional sum was desired, but while the words 'for life' stood in these acts, he should never consider the civil list in any other point of view, than that of sacred private property, as much so as the estate of any private gentleman. A pension bill had been proposed to the House and rejected, because it tended to break the engagements of Parliament, because it tended to resume that which had been granted, under solemn faith, for a certain time. After a father, says the honourable gentleman has made an establishment for his son, would he, if he thought his son kept too many servants, take upon him to discharge some of them and apply their wages in another manner? Surely, he would not, especially if he had lately encreased the establishment. He would have talked about retrenchment when the request for more was made. The dignity of the crown was connected with the independendence, but by the resumption of this grant, the Parliament rendered the crown dependent upon that House, a situation at once humiliating and unconstitutional. The object of resumption should at least be adequate to the injury, but in this case it was not so. The saving proposed by the reduction of offices and of places was immaterial, when considered as a public object, and when compared with the expenditure and the necessities of the state. At a time when we were obliged, by political necessities, to go into great, and indeed enormous expences, it was a trifling consideration, that by the reduction of a great number of places and pensions a saving should be made of 200,000l. a year. And that for this reason we must violate the property of individuals which had

been rendered sacred by the acts of Parliament, and considered by themselves and by the world, as secure and permanent as freehold estates. When pensions or places were bestowed on individuals as rewards for meritorious services, or tributes due to extraordinary talents, he must consider them as sacred property, not incident to resumption, nor within the controul of Parliament, until they had first declared and provided by a special statute, that their grants of places and pensions for life meant to continue in force no longer than the Parliament should please. It was a resumption which the House could not make either with right, with decency, or justice. The influence of the crown was spoken of, as too formidable for the liberties of the people. This was said without being proved. No arguments were advanced to prove the existence or the increase of this alarming influence. but surely gentlemen would remember that a sum very little inferior to that with which the crown was invested at the time of the Revolution, and which no doubt, after the most mature deliberation, was esteemed to be no more than equal to the power of prerogative which had been abolished Seven hundred thousand pounds was granted at that time, and at two different periods since, that House and Parliament had recognized the grant, and added two hundred thousand pounds to the original sum. This was confirming the idea of the independence of the crown, and it took away, in his humble opinion, the power of resumption, For it was not a question of power, nor of right, but a question of propriety. The House were to enquire whether the object was adequate to the end, whether the resumption was a thing which would produce valuable retrenchments, without giving a shock to the constitution, whether the diminution of the respect, the grandeur and the pomp of the sovereign, was not an injury to the nation much more material, than the revenue which could possibly arise from such a measure. After these considerations he was convinced they would find that it would be inconsistent with propriety, and consequently with prudence, he said with justice, also for another reason, and that was, that the public had been gainers by the bargain which they had made with the crown, to the amount of more than 100,000l a year. He here quoted a page in the Journals of 1777, where it appeared from a paper presented at that time, that exclusive of the 500,000l. voted in 1769, there was then a balance on the bargain in favour of the public of 1,800,000l.

He commended the bill for not intending to resume the exchequer offices during the lives of those in possession or reversion.

sion: he said, these advantages were enjoyed by the families who held them, as the rewards for the labour and services of their ancestors, and they operated as a stimulus to the ambition, the honest ambition of their successors.

Here he mentioned the Duke of Richmond's grant, and the declaration made by a member of Parliament in King William's time, "that he wished to make the King a freeholder as well as himself."

Having stated both, he went on to observe, that with regard to secret service money, it had always been a delicate question, and that the Journals afforded various precedents, whence it appeared, that when the House actually addressed the crown for an account of the application of secret service money, it was absolutely refused, the crown declaring, that to comply with such a requisition, would not be for the public benefit; an answer that had always been acquiesced in. He put the case, supposing that the exchange had not taken place, and that the King enjoyed his grandfather's revenues; Would the House have alienated them, and which of them? Some were of very ancient date; and several were exchanged in Charles the Second's time for divers prerogatives given up by that monarch. If the principle were at once admitted, he contended, that the crown would have no independence left. Judge Blackstone had observed, "That every Prince, in the first Parliament after his accession, has by long usage, a truly royal addition to his hereditary revenue settled upon him for his life, and has never any occasion to apply to Parliament for supplies, but upon some public necessity of the whole realm. This restores to him that constitutional independence, which, at his first accession, seems, it must be owned, to be wanting."

Supposing the bill to have passed, to what a state would his Majesty have been reduced! for it would not be merely the royal assent, but the precedent was the matter of difficulty. So that the King must either refuse his assent, (and if this bill, or any like it, passed both Houses, he hoped that would not be the case,) or he must give up an independent life-rent for a precarious establishment, liable to be diminished or revoked by future Parliaments, just as their caprice directed. The honourable gentleman who brought in the bill, he observed, had complimented the King of France on his œconomy; he begged the House to consider that the civil list in France, and the civil list in England, were so extremely different, that no true comparison could be made;

but

but even if it could, he trusted gentlemen would consider the whole of the French King's conduct; that they would oppose his unjust war to his œconomical reform; and upon the balance, he believed it would be found that the advantage did not preponderate so greatly in favour of France, as to alarm us. Bad faith, he said, was always bad policy, and he had no doubt but the greater evil of the war would swallow up the lesser good of the œconomical retrenchments, which would go but a little way indeed towards carrying it on. We ought not to take our ideas of retrenchment, and of œconomy, from the example of France. Their constitution, and their revenue, was so different from ours, that there it might at once be politic and prudent. A considerable saving might be made, and œconomy might contribute to patch up the injustice of the war in which they were engaged. The œconomy and the retrenchments which had been made by the ministers of France might do something to the fame and the glory of the reign; but it could not purge away, nor compensate for the injustice of the war, for which the retrenchments were made. What was politic and prudent in France, might be the contrary in England, and it was so in this instance: it was improper to take from the dignity of a British King, because the dignity of the crown was connected with the dignity and the opulence of the nation. At the same time he declared that Great Britain had better prospects, and a more reasonable ground of exultation; every attack that had been made on the crown, and on the legislative authority of Parliament, had been repelled, and he hoped every man, both within those walls and without, would ever hold it in his mind, that this war was not begun to support the power of the crown, but because the crown refused to accept the allegiance offered it, independent of the legislative authority of Parliament. He hoped also, that it would be universally remembered, that the constitutional liberty of the subject had always been anxiously and religiously adhered to at home, and the law of nations, and the faith of treaties, uniformly observed towards foreign powers. He reverted to what he had said in the outset, that the bill contained two objects incompatible with each other If it related merely to the regulation of the public offices, it would be in his opinion proper and right for the House to permit the bill to go into the committee; where alterations of the objectionable parts might be made, as mentioned by the honourable mover of it; but as it also contained a principle of resumption derogatory to the

honour

honour of the crown, and [illegible] he must object to it in this stage.

He made a few short observations on the various objects of the various clauses of the bill, and said, as the principle was then the proper subject of discussion, he did not consider himself at liberty to go into them much at present; he hoped, however, as they mounted to a degradation of royalty, the House would never submit to them.' He concluded, with saying, that as the bill was unjust in its principle, he was clear it would be impracticable in its execution, and therefore he should vote against the second reading.

The Hon. J. Townshend.

The Honourable *John Townshend* rose in answer to Mr. De Grey, and said, he should give his most hearty support to a bill that had for its object consequences of such great national importance as the saving of public money, the applications of that saving to the use of the public, and a reduction of the increased and increasing influence of the crown. But though these were great objects, the bill had another, if possible, still more essential object in view. For when the bill had received the royal assent (and to suppose it would not receive it on the grounds of public distress would be highly indecent) it would prove to that House and to the world that the crown really feels for the distresses of the kingdom; that it is unwilling to avail itself of too liberal an augmentation of revenue; that it is desirous to remit to distress what may be supposed to have flowed from prosperity.

It would be the bond to connect together more firmly the affections of his Majesty and his people. It would prove that we have all one common union, one common happiness, and one common fortune. That his Majesty cannot wish to plunge the country into wars contrary to its interest, since the crown means to sink its own revenue in proportion to the diminution of the property of the subject. He observed that Mr. De Grey had objected to the bill on the principle of its being a resumption on the crown. Mr. Townshend said, he should speak upon this ground with peculiar diffidence, because it belonged only to persons of much superior knowledge to himself to speak upon it with confidence; but he had always understood that Parliamentary resumptions were no new proceedings. Undoubtedly it was an ungracious task; it was irksome and painful in that House to be obliged to resort to the revenue of the crown for assistance even in a time of extreme need. But though it was painful, it was proper. It was strictly conformable not only to the inherent

virtue

virtue and authority of the House, but also to the example of precedent and custom. Resumptions had been common and frequent in former periods of our history. From the time of Henry VI. to Henry VIII. not a reign passed without parliamentary resumptions, and these were not merely resumptions of grants made by preceding Sovereigns, but of grants made by the King himself for the time being. In the reign of Henry VIII. an act of Parliament passed for the abolition of sundry needless offices and unnecessary pensions, and the ground of it was very remarkable,—it was to enable his Majesty to defray his charges in maintaining his expensive war *against our ancient enemies the Scots.*

He was well aware, he said, of objections that might be made to the instances he alluded to upon this principle, that these resumptions of different Parliaments were not of grants made by themselves, but that in such cases they acted as arbitrators, in a manner, between the crown and the subject: whereas in the present instance it might be said in contradistinction, that Parliament resumes upon its own grant, defeats its own act, and violates its own contract But if this reasoning be admitted, on what principle are any of the former resumptions to be justified? For when the crown passed the acts above-mentioned, did not the crown then defeat its own grant, and act in violation of its own contract? But in general what were the causes of those resumptions? Why, public distress and public calamity. In some few instances he allowed the impropriety of the grants themselves might have been the occasion of resuming them. Nor indeed would he deny the force of such an argument applied to the present occasion. But in general the distresses of the country were the foundation of these resumptions. And could any one assert that the crown could formerly, in its legislative capacity, on these grounds, resume upon the subject to whom it had made a grant, but that the Parliament, in the same legislative capacity, and on the same grounds, cannot resume upon the crown, which is the grantee of Parliament? What was Parliament used to say on former occasions to the subject? It said, "It is very true the crown has made you this grant; we acknowledge it to be your own private, distinct, separate property; and we are very sorry to be obliged to concur with the crown in the necessity it is under of defeating its own act. But the exigencies of the state require that you should not be enriched with that wealth which would relieve the distresses of the country." If this was justice in the crown

crown towards the subject, why might not Parliament now say also to the crown, "It is true we have made this grant to you; we wished to place you in a state of magnificence and splendour; we wished to shew every mark of our affection for your royal person, and of respect for your situation; but the condition of the country is different from what it was when we made the grant; we were not then engaged in war with four powerful enemies, we were not then pressed under that load of debt which now overwhelms us; and if on the grounds of public universal distress, we now desire a resignation on your part, we must be no more considered as violators of our grants to you, than your predecessors were of their grants to their subjects." Public distress was the unhappy apology of both proceedings; and will any one contend that such a cause would uphold the propriety of a general resumption of the whole estates of numbers of subjects, and that it will not support the justice of a mere partial resumption of only a part of the revenue granted to the crown? With respect to the hardship of the case, which Mr. De Grey had insisted upon, Mr. Townshend asked, if the pressure was not much heavier in the case of the subject, than in that of the crown. The subject gave no assent to the act, but an implied virtual consent by representation; whereas the crown in its own person, in its own right, and by its own voice, seals and confirms its approbation of the act. *Volenti non fit injuria.* It becomes then a voluntary resignation of part of that gift to those persons who, on their part, as voluntarily conferred it, who conferred it with liberality, who expect the resignation of it with regret, but who are compelled to require it by the urgent demands of necessity. It was undoubtedly an hardship, but it was an hardship on the people, devoted as they were to the family on the throne, and anxious for the grandeur of the Sovereign, to be obliged to request the crown to contribute to the emergencies of the state. At the same time it ought to be remembered, that if they were put to the severe necessity of applying to the crown for participation and retrenchment, it was a task imposed upon them by the ministers of this country whose misconduct and extravagance had reduced us to the situations that rendered œconomy necessary. It was from these ministers that the application had sprung, who madly involved us in impolitic wars, first with our own subjects and afterwards with the half of Europe.

Mr. Townshend having established the principle of the bill, next animadverted upon Mr De Grey's observations respect-

ing the smallness of the saving proposed, and the improper tendency of the bill.

With respect to the first observation, he contended that the saving of nearly two hundred thousand pounds was by no means an inconsiderable object. The argument of the honourable gentleman who spoke last was curious indeed—considering the many millions that had been and were yet to be expended, such a saving as this was too trifling to deserve the notice of Parliament. It is confessed that we are steeped up to the very lips in poverty, but œconomy is not the way to relieve us. How then are we to be relieved? Is the country to recruit itself by parliamentary inattention, and is it to be restored to its health and vigour by an obstinate persistance in the prodigality of expence? But, Mr. Townshend said, it was not the mere saving proposed that recommended the bill to his support. Another object of it (which the hon. gentleman had argued to be an improper one) had still greater weight with him; he meant the reduction of the influence of the crown. He would not weary the patience of the House by any attempt to prove the existence of improper influence. The Journals of the House had recorded the fact, and if they had not done so, yet every serious mind now yielded an honest confession of the truth of it. The increase of influence had been before acknowledged by persons whose profession perhaps did not lead them to be extremely hostile to its exertions. The honourable gentleman had quoted an observation of Judge Blackstone's; but did he not remember that 700,000l. had been stated by Sir William Blackstone as an ample provision for the crown. His language on this subject is, "That much indeed is given up by the crown, but much also is acquired by it. That the stern commands of prerogative have yielded at length to the milder voice of influence." Perhaps Sir W. Blackstone would not have thought that 65,000l. per annum added to the crown by late deceases in the royal family, and an additional grant of 100,000l. per annum would render this mild voice of influence less engaging and persuasive.

He went on to observe that objections had been made to the bill, because it did not adopt the proper constitutional method of proceeding in cases of misapplication of the civil list, which method used to be by parliamentary impeachments. But he argued that nothing could be so nugatory as a parliamentary impeachment, when perhaps the very tribunal before which the cause was to be brought, had been tainted with the malignity of its infection: when the majority of those who carry on the prosecution are supposed to have been the objects of the guilt of the criminal, the partners and ac-

complices in his crimes. He said, that the bill meant to destroy the evil at once, by sapping the very foundations of it. That it was one of those evils which demanded prevention, otherwise it would be in vain to think afterwards of the mode of punishing the criminal—" *Cætera maleficia tum persequare* "*. ubi facta sunt; hoc vero nisi provideris ne accidat, ubi evenit,* "*frustra judicium implores.*"

But besides, he said, there was another consideration, which ought to have material influence on their minds—the duties under which they lay as representatives of the people: suspicions had gone abroad of the virtue of that House, and the nation were loud in their clamours. It was said that they were shamefully corrupt; that they were the creatures of the minister; and instead of being the constitutional guardians of the people, were their worst enemies. That they were at once the creators and the creatures of influence. The House of Commons were pernicious, when they stood between the crown and the people, hiding and encouraging the attacks on the constitution. Such suspicions had gone abroad; he could not say with what truth. Perhaps it might be proper in some instances to curb and punish popular licence; but at the same time it was exceedingly becoming the House of Commons, and every national assembly, to attend to the suspicions that were formed, and endeavour to crush them, by removing the cause. It was necessary to their reputation that they should on that night assert the right, and the duty of Parliament, and convince their constituents, that their suspicions were premature. It was their duty to set a virtuous and an honourable example of retrenchment, by which public spirit would be fortified, and the nation united in one common idea of common interest. It was their duty to point out this conduct to their Sovereign, since it was necessary to the true dignity and the true grandeur of his subjects, that he should teach by example how to sacrifice private enjoyments to public welfare—to shew them that he took an interest in their sufferings, and called upon them for no exertion to which he was not anxious to contribute. That he would participate in their sufferings, as well as in their success. Such conduct would be the means of general conciliation—it would restore character to Parliament—and would unite a Sovereign with his subjects. And such conduct it was their duty and their interest to adopt. It was well known, that great obloquy had been cast against the honour of that House. If these were false imputations, this was the moment to re-

fute the malignity of such calumny, and to vindicate their lost reputation.

He reminded the House of an exemplary instance in Roman history.* When Verres was brought to trial by his accusers, the judges (who were of senatorial order) were supposed to be so corrupt, that the people wished to have the jurisdiction transferred into other hands. The friends of liberty despaired of his condemnation, and his own party considered his acquittal as certain. The judges, however, roused by such imputations, proceeded to try the criminal with the impartiality which their situation required, and with that scrupulous attention which the importance of the charge naturally excited. They saw his guilt, and they punished it with banishment.

There is now before you, said Mr. Towshend, a criminal much more flagitious and baneful than Verres. Of his guilt you must be fully satisfied; and if you have any regard for the dignity of your own honour, if you have any ambition to emulate those, who, by a single act of determined integrity, redeemed the lost character of their order, you will inflict the punishment due to the criminal before you, by sentencing him, in like manner, to perpetual banishment.

The hon. Mr. *Percival*. The honourable Mr. *Percival* disapproved of the bill, as improper to be supported in principle. He thought it highly unbecoming, and not only so, but unjust, in that House to attempt to seize on the civil list revenue of the crown, and reduce the Sovereign to a state of humiliating dependency. He denied that the people were for the bill, or the measure. Their rejection of its authors at the last general return of Parliament, was to him a proof of their disinclination to the plan proposed. He was perfectly convinced that the attempt was unjust, as well as ungracious; that it derogated from the respect and dignity of the crown; and was a measure which betrayed the weakness more than the policy of the country. He would not have given his consent to the resolution which stood on the Journals of the 6th of April 1780, because he conceived that such a proposition was unfounded. The present bill contained principles opposite to the just rights and privileges of the House. He denied the truth of the assertions that had been made, that the present Parliament was bound by the resolutions of the last. He, as a member of the new Parliament, saw no reason to hold himself bound by resolutions to which he did not consent when they passed. He said it was a measure to which he would never consent, to

outrage

outrage the Sovereign with a requisition of his fortune. If retrenchments were to be made in the royal houshold, they ought to be left to the voluntary surrender of the crown. We ought not to prevent the exercise of royal benevolence. It was at once ungracious and improper to enter into the royal apartments and new-model the managements of his state. The civil list revenue had been granted by Parliament for an adequate consideration, and upon an honourable and advantageous bargain. To resume it would be a breach of fidelity, as well as a flagrant attack upon the dignity and the rank of the crown.

Mr. *Powys* contended warmly for the right inherent in the House to check and controul the public expenditure; and for the benefit of the plan proposed in the bill before the House. He trusted that it would go into a committee, in order that it might receive the serious investigation of the House, and that such parts as were objectionable, might be disapproved of, and the remainder be carried into execution. He called upon the House to remember the resolutions of the 6th of April last. Nothing had been done in consequence of these resolutions, and they remained upon the Journals as monitors to the present Parliament of their duty, or as monuments of their disgrace. Mr. *Powys.*

He very strenuously supported the resolutions, and said they were the pledges given to the people by the last Parliament, that their petitions should meet with due attention, and that the grievances complained of should be redressed. The bill, then under consideration, was founded on the petitions of the people, and went immediately to one of their great requisitions—the desire of reformation and œconomy—So perfectly conscious of this was the last Parliament, that no gentleman had then ventured to oppose the bill on its second reading; all sides of the House, as well the noble lord in the blue ribbon and his friends, as those who acted with the honourable gentleman near him, admitting the principle of the bill in its fullest extent. To what, then, was the present opposition in that stage to be ascribed? Had any thing happened since to induce gentlemen to change their opinions? What revolutions in the political hemisphere had induced such an alteration? Did gentlemen imagine that œconomy was less necessary, or that the nation was more affluent, in consequence of a war with Holland, our old ally? Was that the fact? or had the prospect of a war with all the northern powers occasioned such a sudden influx of wealth, that extravagance was not so criminal now, as it appeared to be

be last year? The people without doors, the people of England, thought otherwise. That it was the sense of the majority of the people, that the bill should pass, he was as sure as he was of his existence, to what then was the present resistance to be ascribed?

He trusted that it would not be found that the old members had been actuated to their conduct by the approach of the dissolution; and that the young members would not so soon commit a public breach of the trust and confidence which they had met with from the people of England, as to oppose this bill in its principle.* He asserted that the people of England had not changed their sentiments, though the mover of the bill was not intrenched with their petitions; but they had infused the spirit of them into the Journals. He said that that House had abandoned fortune, and embraced a cloud; they had forsook the substance and the body of relief, and had taken a shadow and an empty name. In this he alluded to the commission of accounts, which he treated as a mere whim, ridiculous and absurd.

Earl *Nugent*. Earl *Nugent* declared himself a warm and zealous friend to publick œconomy. Without it, he was persuaded, this nation could not be saved; œconomy, in our public expenditure, was as necessary as firmness and wisdom in our councils, as valour and conduct in our expeditions and enterprizes. But it did not follow either that he ought to, much less that the House should, embrace every œconomical project that was offered, however plausibly introduced, however respectable the quarter from which it came. No man in that House, his lordship said, entertained a greater degree of esteem for the honourable gentleman who introduced the present bill, than he did; he knew his integrity, and he had seen many proofs of his zeal to serve his country; great therefore as his abilities were, they were not, he was convinced, superior to his virtue. The honourable gentleman, however, must pardon him, if he did not agree with him entirely as to his bill. In sincerity he would say, he disapproved of it totally, and he would tell the honourable gentleman, why he did so. The title of the bill was a good one: It was called "A bill for the better regulation of his Majesty's civil establishments, and of certain public offices." The preamble also had something catching in it, but what was the object of the bill itself?—To introduce an unconstitutional innovation; and to resume from the crown what had been solemnly granted to his Majesty for life. To such a proposition he never would consent, notwithstanding what had been said of the resolution

of

of the 6th of April, which declared the competency of the House to correct and examine abuses in the expenditure of the civil list revenues. That resolution passed, as gentlemen well knew, at an hour when such was the temper of the House, that it would have been madness to have opposed it. It did not follow therefore, that every gentleman approved of it. He never had, nor could he think that (allowing that resolution all the respect due to an entry on the Journals) it followed of course, that the present bill ought to be adopted. What, would that House consent to degrade the Sovereign, diminish the lustre of the crown, and reduce his Majesty to a worse situation than that of any private gentleman in his kingdom? Would they deprive him of the management of his income, and put him into the situation of a minor, by obliging him to submit to the tutelage of Parliament? The bill interfered with the privy purse, and took away the independency of the crown: to admit it to pass, would be to reduce his Majesty to the condition of a mere titular monarch; a king without power, a king but in name, like the king of Poland, or a sovereign like the doge of Venice, altogether dependent on others, and subject to their capricious controul. Let gentlemen consider, that such a measure would essentially wound and injure the constitution; for each branch of the legislature, each of the three states, ought to have its share of independency, and surely the first state, that which was clothed with the supreme executive power, should never be rendered less glorious, less independent, than the other two. The real beauty and excellence of our constitution, so much admired and envied, was its nice equipoise, that equal balance, which gave it stability, and at once secured the crown in its legal rights, and the people in their freedom and immunities. The present bill went directly to move the balance and destroy the equipoize; let the House therefore, however much they might be convinced that some of the branches were rotten, take care in their attempt to remove the dead wood, that they did not destroy the trunk of the tree itself. The honourable gentleman who had introduced the bill, he did not doubt, really believed the bill would have the salutary effect he had dwelt on, when he introduced it with such a warmth and earnestness of commendation. Other men, and men of great wisdom, had been equally deceived. Plato, for instance, and he flattered himself he should not offend by comparing the honourable gentleman to Plato. The honourable gentleman's project was as imprac-

ticable as Plato's Commonwealth, or Sir T. Moore's Utopia. In describing its good effects, the honourable gentleman had been describing the purity of his own mind, and without knowing it, it was that which the honourable gentleman wished to reduce into practice; but the times were too bad, and dissipation too general, to render his honest endeavours successful. His lordship observed, that there were thirteen pages in the bill, and seven and twenty clauses which related to the civil establishment; he appealed therefore to every gentleman present, whether it was likely, that so heterogeneous a mass of matter, however plausible in theory and speculation, could easily be carried into execution. But this was not his only objection to the bill; the title of it was not its true description; for the title said, that the monies saved were to be applied to the public service, whereas there was not one word in the bill which enacted such an appropriation; on the contrary, it was expresly enacted, that the balance of the civil list revenue should, after all savings, be laid out for an establishment for the use of the royal family.

His lordship said, the fact was certainly so, the clause in question was the 27th, and was to be found in the 13th page of the printed bill, therefore, he repeated it, the bill did not apply the savings to the use of the public as it pretended. If the bill had appropriated all the savings to the public service, something indeed might have been said for it: his objections would have been fewer; but as it was, it surely had not the pretensions to encouragement. Œconomy was most essentially necessary, nothing but the most rigid œconomy could possibly save us. The treasury could not bear a greater load than it now had. But instead of harrassing the minister with these chimerical notions, all our ideas should be consolidated in general exertion, and simple œconomy. The minister must be a Jack of all trades, he must understand every thing to be able to go through his business. He wished for œconomy, but he would not procure it, by setting the King down to an ordinary, and making him more dependent than any man in his dominions. All the advantages which were likely to flow from the present bill, and many more, much more important benefits, would arise from that commission of accounts which the last gentleman had so affected to despise, Surely the honourable gentleman had not read the two reports delivered in by the commissioners: if he had, he would have seen therein substantial benefit already derived from that commission, as a pleasing earnest of what was to come; he

 would

would have seen [illegible] inde-fatigable in the pursuit of [illegible] by no [illegible] of [illegible], and [illegible] by no partiality, doing for the public what had long been requisite, by securing, in the first place, an immediate transition of public subsidies from the nation at large to the coffers of the state; and in the second, that money should no sooner be issued from the exchequer than it was wanted for the public service. In one tax alone they had ascertained 650,000 l. to be in the hands of the collectors, which he would venture to say was a national benefit, far more important than any the present bill could produce if carried into execution. But after all, if the bill passed, did gentlemen who had dwelt with so much energy on the petitions presented last year, think that this bill would satisfy the petitioners? Undoubtedly it would not. Their objects went much farther. What said the associations? Give us annual parliaments, or triennial parliaments. Every man in the kingdom now set up for a reformer, at least every man wished to be a legislator, and vote at elections; how expedient, how practicable, how salutary such a matter would prove, the House might judge from what had happened lately at Coventry. He apologized to Mr. Burke, and said he meant no reflection on him, when he talked of state tinkers, but such were now to be found in almost every country town; there were those, among the croud of modern reformers, who not content with tinkering the British constitution, attempted to tinker that of Ireland, and would fain have new hammered it; for his part, he did not admire such workmen, they might do much mischief, and injure that which he verily believed would not receive any benefit from their labours.

The Hon. *W. Pitt.*

The honourable *William Pitt*, son to the late Earl of Chatham, now rose for the first time, and in a speech directly in answer to matter that had fallen out in the course of the debate, displayed great and astonishing powers of eloquence. His voice is rich and striking, full of melody and force; his manner easy and elegant; his language beautiful and luxuriant. He gave, in that first and short essay, a specimen of eloquence, not unworthy the son of the immortal parent. He said, that he gave the most hearty consent to what had fallen from his honourable friend on the other side of the House—that a proposition for the retrenchment of the civil list revenue ought to have come from His Majesty's ministers. He gave his entire approbation to this sentiment. It would have come with more grace; it would have come with more bene-

fit to the public service, if it had sprung from the royal breast. His Majesty's ministers ought to have come forward and proposed a reduction in the civil list, to give to the people the consolation of knowing that their Sovereign participated in the sufferings of the empire, and presented an honourable example of retrenchment in an hour of general difficulty. They ought to have consulted the glory of their royal master, and have seated him in the hearts of his people, by abating from magnificence what was due to necessity. Instead of waiting for the slow request of a burthened people, they should have courted popularity by a voluntary surrender of useless revenue. Far more agreeable would it have been to that House to accede, than to propose, much more gracious to have observed the free exercise of royal bounty, than to make the appeal, and point out what was right, or what was necessary. But if ministers failed to do this; if they interfered between the benignity of the Sovereign and the distresses of his people, and stopped the tide of royal sympathy, was that a reason why the House of Commons, his Majesty's public counsellors, should desist from a measure so congenial to the paternal feelings of the Sovereign, so applicable to the wants and miseries of the people? The natural beneficence of the royal heart would be gratified by the seasonable remittance. And surely it was no reason, that because ministers failed to do their duty, the House should cease to attend to theirs. Acting as the faithful representatives of the people, who had trusted them, they ought to seize on every object of equitable resource that presented itself; and surely none were so fair, so probable, or so flattering, as retrenchment and œconomy. The obligations of their character demanded from them not to hesitate in pursuing those objects, even to the foot of the throne; and, actuated by duty, to advise the crown to part with useless ostentation, that he might preserve necessary power; to abate a little of pomp, that he might ascertain respect; to diminish a little of exterior grandeur, that he might increase and secure authentic dignity. Such advice would become them, as the counsellors of his Majesty, and as the representatives of the people; for it was their immediate duty, as the Commons House of Parliament, to guard the lives, the liberties, and the properties of the people. The last obligation was the strongest; it was more immediately incumbent upon them to guard the properties, because they were more liable to invasion, by the secret and subtle attacks of influence, than either their lives or liberties.—It would

not

not derogate from the real glory of the crown to accept of the advice. It would be no diminution of true grandeur, to yield to the respectful petitions of the people. The tutelage of that House might be a hard term; but the guardianship of that House could not be disgraceful to a constitutional king. The abridgment of useless and unnecessary expence could be no abatement of royalty. Magnificence and grandeur were not inconsistent with retrenchment and œconomy, but, on the contrary, in a time of necessity, and of common exertion, solid grandeur was dependent on the reduction of expence. And it was the general sentiment and observation of the House, that œconomy was at this time essentially necessary to national salvation. This had been the language of the noble lord on the other side of the House [Lord Nugent], and he had declared, that if the bill then before the House had provided that all the monies to be derived from the reductions proposed, had been applied to the public service, he would have given his hearty concurrence in it, and would have become one of its warmest advocates. Here then he begged leave to join issue with the noble lord. He had said, that the savings were to be appropriated towards a fund for creating a provision for the royal family; and this clause he had found in the bill before them; he begged to inform the noble lord, that there was a clause in the bill which expresly stated, that the monies arising from the reductions proposed should be directly applied to the public service. The only merit that he could claim, in a competition with the noble lord was, that his eyes were somewhat younger than his, and he would read the clause to which he alluded. He here read the following clause.

"And it is hereby enacted by the authority aforesaid, That all the salaries, lawful fees, perquisites, and profits whatsoever, belonging to all and every the offices by this act suppressed, shall cease and determine with the determination of the said offices severally, and be no longer paid; and that the commissioners of the treasury shall, within a reasonable time, make, or cause to be made up, an account of the salaries and fees now payable for or on account of the said offices severally, as also an account of all the charges whatsoever, ordinary or extraordinary, incurred for, or by reason of the said offices, during (a certain number) of years last past; and shall cause a sum to the amount of a medium of the said salaries, fees, and charges, to be annually set apart, and a separate account to be kept of the same, and to carry the said

sum or sums of money, together with the amount of each and every pension as it shall fall or determine, until the said pension list be reduced to a sum (to be limited by the act,) (except as in this act is otherwise provided) to the *sinking fund*, there to remain for the disposition of Parliament." This was the clearest refutation of the noble lord's assertion; but his error seemed to have arisen from his having taken notice of another clause in the act, which ordains that the monies appropriated to the payment of annuities to be granted to those persons where places were to be abolished, should be placed in a fund, as they should arise by the death of the annuitants, to create a provision for the royal family. This was the error of the noble lord; he had mistaken this provision for all the savings of the plan; unless indeed he imagined that to place money in the sinking fund, subject to the disposal of Parliament, was not to apply it to the public service. He might consider the blind profusion of the minister as the public service; and unless it had been left to him to be mismanaged and squandered in his usual way, it was not applying it, in his opinion, to the public service. He trusted the House would excuse him for having wantoned with their patience on this point; and he for his own part should think his time and labour very well repaid, if thereby he had been fortunate enough to gain over so powerful an assistant and friend as the noble lord to the principle of the bill. It had been said by an honourable gentleman who spoke early in the debate, that the bill connected two objects, that ought to have been kept separate; his honourable friend near him [Mr. John Townshend] had shewn that these objects ought to go hand in hand together, and had very properly contended that this was the fit moment for introducing reform and œconomy. He should add, that the bill had a third object much more important than either of these, and that was, the reduction of the influence of the crown, that influence which the last Parliament, by an express resolution, had declared to be increasing, and that it ought to be diminished. An influence which was more to be dreaded, because more secret in its attacks, and more concealed in its operations, than the power of prerogative. All these objects were not only compatible with each other, but they had a mutual connection, and ought not to be divided in a measure of reformation. In all the arguments of the noble lord who spoke last, on the subject of the resolutions of the 6th of April, he observed the noble lord's objections were

directed

directed solely to the second of those resolutions, he took it for granted, therefore, that the noble lord admitted the first. That resolution pledged the House to do something effectual in compliance with the petitions of the people; why then should the House refuse to adopt the present bill, the operation of which, in diminishing the influence of the crown, rendered it, in his opinion, much more valuable than the mere consideration of the saving it would effect? But it had been said, that the saving was immaterial—it was a matter of trifling consideration, when measured by the necessities or the expences of the time. It proposed to bring no more than 200,000l. a year into the public coffers, and that sum was insignificant, in the public account, when compared with the millions which we spend. This was surely the most singular and unaccountable species of reasoning that was ever attempted in any assembly. The calamities of the crisis were too great to be benefited by œconomy; our expences were so enormous, that it was ridiculous to attend to little matters of account. We have spent so many millions, that thousands are beneath our consideration We were obliged to spend so much, that it was foolish to think of saving any. This was the language of the day, and it was by such reasoning that the principle of the bill had been disputed. Much argument had been brought to prove the impropriety, and the injustice of resuming a parliamentary grant; and it had been even said, that they had not a right to do so. It would be needless to attempt an answer to such a doctrine. It contained its refutation in its weakness. But it ought to be remembered that the civil list revenue was granted by Parliament to his Majesty, for other purposes than those of personal gratification. It was granted to support the power and the interests of the empire, to maintain its grandeur, to pay the judges and the foreign ministers; to maintain justice and support respect; to pay the great officers that were necessary to the lustre of the crown, and it was proportioned to the dignity and the opulence of the people. It would be an ungracious task to investigate the great difference that there was between the wealth of the empire when that revenue was granted, and the wealth at the present time. It would serve, however, to shew, that the sum of revenue which was necessary to the support of the common dignity of crown and people at that time, ought now to be abated, as the necessities had encreased. The people who granted that revenue, under the circumstances of the occasion, were justified in resuming a part of

of it, under the pressing demand of an altered situation. They clearly felt their right; but they exercised it with pain and regret. They approached the throne with bleeding hearts, afflicted at the necessity of applying for retrenchment of the royal gratifications; but the request was at once loyal and submissive. It was justified by policy, and his Majesty's compliance with the request was inculcated by prudence, as well as by affection. He confessed, that when he considered the obligations of the House, he could not cherish an idea that they would dispute the principle of the bill before them. He could not believe it possible, that the principle of œconomy would be condemned, or the means of accomplishing it abandoned. For his own part, he admitted the plan proposed. He felt himself, as a citizen of this country, and a member of that House, highly indebted to the honourable author of it; and as he considered it essential to the being and the independence of his country, he would give it the most determined support.

Mr. Rosewarne.

Mr. *Rosewarne* began with observing, that he was very sensible it was a most unpopular and invidious task to oppose a bill which held out to the public as its ostensible objects, œconomy, and retrenching unnecessary expences, and more particularly so at a time like the present, when he agreed with a noble lord under him [Lord Nugent] that œconomy is a virtue absolutely necessary to a nation involved in such extensive hostilities.

But the ostensible objects were captivating and alluring; yet the real tendency of the bill was allowed to be the diminishing the extensive influence of the crown, which was declared by a vote of the last Parliament "to be increased, increasing, and ought to be diminished."

He then observed, that great stress had been laid on this resolution; but though the last Parliament adopted the resolution, yet when they came to apply it to practice, they could not agree in what this influence consisted, or where, when, or how it ought to be diminished, which was a strong presumption that the resolution itself was hasty and ill founded. That since that time, there had been an appeal to the people, and that he wished to know the sense of the present House of Commons, in which there was an uncommon number of new members. That the second city in the kingdom, by rejecting the honourable gentlemen who brought the bill now under consideration into the last and present Parliament, seemed to have given a decided opinion on this point: by this he meant

meant not to convey the least reflection on that gentleman; on the contrary, he admired [illegible] abilities and application, and was ready and willing to presume he was actuated by motives of pure patriotism, and love of his country; but whatever the honourable gentleman's motives might be, the House must exercise its wisdom and discretion, and consider whether it was just, necessary, or expedient, to deprive the crown of those powers and influence it had enjoyed for so long a series of years, without any proof of their being abused, or perverted to the prejudice of the liberties and constitution of this country. That in this reign, events had happened most favourable to liberty: did gentlemen forget, that in this reign, the judges were made independent of the crown; first, by holding their places for life, and since, by a large additional salary? In this reign also passed the Grenville act, which restored to the people of Great Britain the full enjoyment of their franchises, and the rights and privileges of the electors. Could a minister now say to a favourite candidate, "Go to a borough, secure the returning officer, get yourself seated, and I will keep you here at all events!" Were these trifling acquisitions? Were they not great and valuable privileges? In what did this alarming influence of the crown consist? Were the places proposed, to be abolished by this bill, newly created? Was this a reign of oppression? Were any attempts made to violate the constitution, or oppress the liberty of the meanest subject? on the contrary, was there ever a period where liberty was enjoyed in greater latitude? If gentlemen were real friends to œconomy, the truest œconomy was to unite as one man, in support of government, and repelling our numerous combined enemies. The want of union had already wasted more blood and treasure than a thousand chimerical schemes could save or recover: 'twas this was the real cause of our present distress: our unfortunate want of union had protracted the war, and encouraged our rebellious subjects in America to persist in their unnatural rebellion, in spite of the liberal offers of the mother country, to join with our inveterate foes, and with sacrilegious hands, endeavour to plunge a dagger into the vitals of the parent state. Look at the effects of union in the last glorious war, and contrast it with the pernicious consequences flowing from want of it in the present, and then say, if every true patriot ought not to join in supporting and strengthening the hands of government: not even the great and glorious Earl of Chatham could have succeeded,

[illegible] thwarted and opposed, [illegible]; nor unless those who had been intrusted with the execution, had acted very differently from what we had experienced in the present war. He then informed the House, that before he sat down, he must request their attention to the very particular situation in which he stood, that he not only held a place under government, ('twas indeed under the Duke of Cornwall, but in the minority of the Duke, was under the disposal of the crown) but that in these times of public distress, when oeconomy was so justly allowed on all sides to be necessary, a very considerable addition had lately been made to the salary of his office. This was owing to the application of every nobleman and gentleman of Cornwall, who had a seat in the last Parliament, to their joining in an address to the crown in his favour, which he always considered as the greatest honour and happiness of his life: that there had not, however, been wanting, those who had dared to represent this in a very different light; and to assert it was an election job, a bribe from the minister to answer the vilest and worst of purposes, to induce him to take the part he did at the last election in the borough of Truro. He then addressed the noble Lord in the blue ribbon, and called on him to do him justice, whether there was the smallest foundation for the infamous and malicious charge; or whether there was the smallest interference of government on that occasion. So far from it, that even his colleague knew not a syllable of the matter, till he sent him an express at Liverpool, where he was then canvassing for a seat for his son, with an account of the proceedings of the corporation of Truro, and the resolutions made in their favour. Had the minister been weak enough to make such a proposal, he should have spurned the proposer and proposal with equal contempt. That he should not have troubled the House with any observation on this occasion, if these calumnies had been confined to anonymous publications in the newspapers; but when he found a gentleman of high rank in the county of Cornwall, who was then in his eye, with whom he had long lived in habits of great intimacy and friendship, which he returned with equal affection, to be prevailed on by the arts of his enemies to adopt this opinion, it became his duty to take notice of it, and clear himself of so infamous a charge. That if this charge had been true, he should not only have been unable to deliver his sentiments on this bill as he had just done, but should have been ashamed to appear

within

within those walls. [illegible] independent, a set of gentlemen as any in the kingdom, to their free and unsolicited voices. He then begged pardon of the House for detaining them on such an occasion; but that it was a very serious matter indeed to him, and that he could not resist the opportunity of justifying himself before so august an assembly.

Mr. M'Donald.

Mr. *M' Donald* said, he thought no gentleman who had formed an opinion on the important subject now before the House should content himself with giving a silent vote. For his own part he had considered the bill with mature deliberation, and the result was that he was clearly an enemy to its principles. The bill contained two positions, both essential to suport it, and yet neither of them proved by any better evidence than mere assertion; for first it recited that the influence of the crown had improperly increased, and secondly, that a reformation in point of public œconomy was necessary. Neither of these positions, he thought, should be taken for granted without evidence to support them, and yet the House must proceed that way or reject those hazardous innovations to which they formed a basis. The influence of the crown was said to have improperly increased; but, by what means? for the power of corruption had always remained the same ever since the Revolution. From that period to this eight hundred thousand pounds a year had *differatis differendis* been the amount of the civil establishment: our ancestors, therefore, in giving that, had given what they thought a proper share of influence into the hands of the monarch to compensate for that more arbitrary and equally profitable share of prerogative he had voluntarily relinquished. If then eight hundred thousand pounds worth of influence was not then thought dangerous to the liberties of the people, why should it be deemed so now?

He entirely agreed with the honourable gentleman who had proved himself the deserving son of the great man whose name he bore, and whose talents were equal to the expectations that were formed of them, that to guard the property of the people was the first duty of that House; but it was not the only one. If they should be so attentive to this duty as to practise no other, and should prefer the interest of this branch of the legislator so much to the other, as to suffer an incroachment on the equipoise, they would be as criminal as if they were to become the abject tools and accomplices of the

crown against the people." Democracy was as much to be avoided as monarchy, or as aristocracy.

He entered at length into the argument, that the crown possessed the revenue of the civil list by a contract, on the faith of which the hereditary revenue had been given, and that it would be the grossest infringement of the good faith of that contract to attempt to pass the present bill.

Mr. Wraxall. Mr. *Wraxall* said, he felt great timidity on rising, because he was aware that every man who ventured to object to a bill, one declared object of which was to introduce a large and beneficial system of public œconomy, must stand on very unpopular ground. Projects of reform were at all times seducing to a nation, let the circumstances of the public be ever so promising and prosperous, but when a great people were struggling under a variety of pressing difficulties, when those difficulties rather increased than diminished, and when the happy hour that was to put an end to them was out of sight, projects of reform became more seductive, and therefore it was no wonder that they were grasped at with the greatest eagerness by men of almost every turn of political sentiment and opinion, because where the burthen was generally felt, every man must unite in wishing that it were alleviated, if it could not be removed. Projects of reform also, became the more alluring, where they were supported by recent precedent, and upheld by the powerful aid of the most polished eloquence; he should not therefore be surprized at any aspersions that might be thrown on him, for presuming under such circumstances as he had stated, to endeavour to draw the attention of the House to a few observations, which he had to offer in objection to the bill then under consideration. His duty, however, which should ever be his first object, impelled him to surmount every terror that he felt, and to proceed in his purpose unawed with the dread of any consequences that might arise from it; and first, he disapproved of the grand principle on which the bill proceeded. His objection was a radical one; he could not subscribe to the resolution of the last Parliament, which asserted, "That the influence of the crown had increased, is increasing, and ought to be diminished." Not feeling the truth of a resolution come to by so respectable an authority as a British House of Commons, and which had been since so strongly insisted on by some of the ablest men of the age, he was aware that it was incumbent on him to account for his resisting the assertion,

assertion, and denying the extent of it, and this he would do as shortly as possible.

He then drew a picture of the constitution of this country, and was warm in its eulogium. He declared it to be more perfect than the constitution of Rome, of Athens, or of Sparta; in short, than that of any republic either of antiquity or of modern Europe; its perfection, he said, lay in the nice preponderance between its three branches, in that wonderfully correct equipoise which balanced the power of the three distinct but relative states of king, lords and commons; nor need there be a greater proof of its excellence and its perfection, than the admiration, the esteem, and the applause with which it had been spoken of by the wisest men of all countries! In times previous to the æra of 1688, when the glorious Revolution was effected, Mr. Wraxall said, prerogative was the weapon of the crown. The liberties of the people were not then accurately defined, and the people were from that very circumstance liable to many inroads and much oppression, which was exercised by that powerful engine, prerogative, under various pretences. But in 1688 prerogative was abrogated, and liberty defined. At that fortunate period of our history, when the Star Chamber, the Court of Wards, and all the execrable tyranny introduced and practised by the house of Stuart was abolished, and in its stead the Bill of Rights and Magna Charta established; the King stood, as it were, chained to the pillar of liberty. It was the great support of his reign, the sublime fabric which he engaged to erect; and who so proper to be the architect, as a prince who had been at the head of a free republic, and had called from thence and invited to fill the throne of a yet freer people? But still virtually and tacitly a barrier was wisely left to the crown. That barrier was influence! William the Third, the avowed opposer of tyranny, the guardian of the liberties of his people, and the advocate for the general freedom of Europe, was as jealous as any prince of his influence. Why? Because he saw that if influence was lost, the crown would be degraded and the nation must soon become degraded likewise.

In order to shew that this would have been the consequence, Mr. Wraxall adverted to the history of Sweden, citing the fate of that country as an example correctly in point. He gave an account of Sweden, as it stood at the time the constitution of it was changed in the year 1718, when it was governed by Ulrica, after the death of Charles the Twelfth,

 as

as well as upon her resignation of the throne in favour of her consort Fredrick, Landgrave of Hesse Cassel, up to the year 1772, when the revolution took place. During all that period, he said the strong features of Sweden were faction, venality, vilification and poverty; loss of glory, strength and respect. The navy reduced to seven ships, the people enervated and spiritless, the government without system or public glory! till at length the nation was sunk into contempt, despised by every other European power, and the Swedes almost annihiliated as a people. All these calamities, and all this disgrace, Mr. Wraxall said, had been entailed on Sweden, in consequence of the people, in the year 1718, having, when they felt sore from the oppression and rigour of the reign of Charles the Twelfth, madly precipitated into the opposite extreme and robbed the crown of all its natural, just and constitutional influence. After stating this pretty fully, he took notice of Mr. Burke's declaration in his speech of the 15th instant, "That France had made a reform, that Louis XVI. had done it,—why then should not we imitate so bright an example?" Few reasonings on French conduct, Mr. Wraxall said, could ever apply to England; France was a despotic, this a free country. British kings could not imitate arbitrary princes. In England the throne is built on liberty. In France it rests on the necks of 200,000 soldiers. It is upheld by farmers general, by oppression, by a servile parliament, banished at will, as the last parliament was, to Angouleme and Pontoise, and by military rigour, and armed authority. But Mr. Burke had said, that "Louis XIV. and Louis XV. had never made such a reform. It was left for Monsieur Necker, a single unconnected alien, to atchieve so glorious a project and to do his royal master so much service, accompanied with so much honour." He denied the whole of the assertion. Retrenchments of the kind were by no means novelties in France. In the year 1689, in the reign of Louis XIV. when Monsieur Le Pelletier was at the head of the finance, three millions of livres were raised by melting down the King's plate, and three millions more from that of his nobles. Such a reform was surely a very rigorous one, and it was the more extraordinary, as it was made in the beginning of a prosperous war Again, in the year 1706, when Chamillard managed the finances of France, another reform took place, and, again, a third, in 1708, when Demarets was financier. In the reign of Louis XV. Cardinal Fleury's strict œconomy, and a long peace, made a reform

ſeem not ſo requiſite it the war of 1741. But in the year 1761 and 1762, a thorough reform, as was well known, took place.

Having dwelt on theſe facts for ſome time, Mr. Wraxall proceeded to reply to other parts of Mr. Burke's ſpeech of 15th of February, and ſaid, as to the honourable gentleman's reaſons of dreading France, he differed from him extremely. The honourable gentleman had declared, that he feared her on account of her reform, and on no other account. He felt a very different motive for fearing France at preſent. It was not on account of her powerful fleets and her great alliances. No. Neither was it on account of her reform. That could do but very little indeed. He feared her, becauſe ſhe could devote all her finances to her navy; becauſe ſhe had no land war; becauſe we have no continental ally, and becauſe the frontier of France was ſecure and peaceable. There was the deep evil, the ſource, and the only ſource of real danger to this country! While the frontier of France was undiſturbed, and the Rhine flowed quietly within its banks, we had every reaſon to be alarmed, becauſe while matters remained in that ſtate, France could ſupport her navy, ſhe could recruit it rapidly, and could add daily to its number, its ſtrength, and its ſervice. Mr. Wraxall argued this point with all the enthuſiaſm of conviction, and at length returned to the bill again. He ſaid he was ready to ſubſcribe to Mr. Burke's arguments relative to the two boards, and the ridiculous eſtabliſhments of the duchy of Lancaſter, the duchy of Cornwall, the palatinate of Cheſter, and the principality of Durham; he was ready alſo to allow, that all he had ſaid on thoſe topics was equally juſt and beautiful, but he could not agree with him that they ought to be aboliſhed, and the reaſon was, becauſe he was not for deſtroying the influence of the crown.

He here pointed out the great danger of popular inroad and democratic violence. He ſpoke of the inſurrections of laſt ſummer, which he deſcribed as horrible atrocities, at the recollection of which every true friend of liberty, and every true friend of good government muſt ſhudder. He aſcribed thoſe miſchiefs to a ſpecies of republican phrenzy, and touched on the danger of aſſociations, which, though ſet on foot by the beſt lovers of their country, ſometimes led to events not only totally foreign to the intentions of thoſe who inſtituted ſuch aſſociations, but which they could not but deteſt and lament. In the courſe of the laſt ſummer, he ſaid, every

man

man that thought upon the subject seriously, felt himself justified in dreading a civil war, a calamity that would have completed our misfortunes! He concluded with saying, that those who love the English people, and their liberties, must assemble round the throne. They must defend it from all attacks, as well from the innovating projects of dangerous but well meaning theorists, as from the open assaults of its avowed enemies; otherwise the constitution itself would fall, for the stability of the throne, and the security of the people were inseparable: weaken the one, the other must necessarily be injured, for which reason he should oppose the present bill.

Lord *Maitland*

Lord *Maitland* now rose for the first time, and entered fully into the question, on the ground on which it had been taken up by the other gentlemen who had gone before him. He combated the arguments that had been urged with great ability and force of reasoning. The honourable gentleman, he said, who had been the author of this bill, was perhaps the only man in the country whose powers were equal to so systematic and generous a reform. He had connected liberality with interest. He had made it policy to be generous. It was no little, narrow, wretched scheme of retrenchment breaking in upon the dignity of the crown, or the respect of the nation—but a great and beautiful arrangement of office, calculated to ornament, instead of stripping the court. It destroyed the underwood of grandeur, the bushes under which the serpent of influence lurked, and from which, unseen, it stung and tainted the dignity of the constitution. It chased away the contaminating excrescences, and by this means it fructified, instead of injuring the tree itself. It gave stability to power, by relieving it from the burthens by which it was oppressed. It was calculated to strip off the poisonous shirt with which the Hercules of the constitution was invested, and in which he laboured in all the agonies of death. Œconomy was the remedy to which we must refer. It was the sovereign specific, by which we might yet avert the consequences of consumptive decline. Those that objected to the present bill, in fact, declared that œconomy was not necessary or not proper; and that corrupt influence ought to be maintained. It was an idle and an absurd quibble to dispute the existence of undue influence: it was manifest, and like any simple problem of Euclid, could not derive more perspicuity from explanation than it possessed from name. The Journals of the House had declared the existence of influence,

fluence, and in their [illegible] the House had prov-ed this fact. On that memorable night, the 6th of April, a gleam of returning virtue shot through the House. Truth made its transient appearance, and pressed conviction on the minds of men, not incident to conviction. For once they yielded to the impression—the touchstone was applied to the heart, and from their mouths came honesty and truth—but that influence which they acknowledged to exist rose from its temporary depression with accumulated strength. It rose to justify the declarations of the 6th of April, but he held them forth as a matter of mockery, as an insult, *a vox et præterea nihil*, as if it found a triumph in the acknowledgment of its existence, and in the insolence of wickedness and power, presumed to say to the people,—It is true, influence has increased, is increasing, and ought to be diminished—but I am grown sturdy—I have taken possession of the last bulwark of the constitution, the Commons House of Parliament; and I am superior to the feeble rage and the impotent attacks of virtue. After this plain proof, would it be denied that influence existed? If the House had not virtue enough to rescue themselves from the imputation of returning to independence, it became them at least to acknowledge the servitude and the slavery in which they were held. The noble lord traced the course of our calamities up to the fountain head—the mad and ruinous American war. It was that which had exhausted our resources, and it was that which had made the increase of influence so necessary. It had become the infamous task of ministers to bribe men whom they could not persuade. They had been obliged, when delusion had evaporated, and all the architecture of chimeras were demolished, to resort to the insinuating powers of corruption: and these men who had acted without system in the operations of government, had been both ingenious and successful in the management of Parliament. Such now was the state of corruption, that no man could live and think in this country, without irrefragable proofs pressing on his feelings every moment, to convince him, however incredulous, of this truth, that the influence of the crown has enormously increased.

His lordship illustrated this position very much at large, by supposing himself a novice in the service of state affairs, and requiring of some aged friend the solution of many political paradoxes, all of which the existence of court influence he shewed could only explain. In that train of reasoning, he introduced a detail of circumstances and events, which all

combined

combined to prove the extent of the power which the minister had acquired in Parliament by the means of that efficacious instrument. The noble lord considered this bill on the foundation-stone of reformation. Its provisions were wholesome and salutary: nay, he considered them as palatable. He would be the last man in that House to adopt, or to approve of a measure, in which violent hands were to be laid on the revenue of the Sovereign. Attached to the family upon the throne, as they all were, by the fervent bonds of loyalty and interest, it would be the last thing which that House would attempt, to diminish the glory, or to abridge the pleasures of the Sovereign. This did neither, but added to both, it was not more calculated to introduce œconomy, than to ascertain respect; and not more calculated to take from corrupt influence, than to add to honourable power. Such were his sentiments, because he considered the true and solid power of the crown to be seated in the glory and in the virtues of the Sovereign. If the Sovereign possessed the confidence and the love of his people. If he and they were bound together by the bonds of sympathetic regard and affection, then the crown would be more splendid, and possess more lustre than it could possibly derive from pageantry or parade.

Sir Horace Mann.

Sir *Horace Mann* said, that he had last year opposed parts of the bill, which appeared to him at the time to be highly objectionable, but he had always approved of the principle of the bill. Those objectionable parts, the regulations that were proposed in the King's household, particularly, that of supplying his table by contract; that was a species of œconomy to which he would never consent, because he considered it as a degradation of the royalty of England. He could never agree to set the King down to an ordinary: but those objectionable points having been given up, he undoubtedly should vote for the second reading, and he thought the House were most dutifully complying with the words of his Majesty from the throne, on the opening of the present session of Parliament, in proceeding to pass a bill like that before them. His Majesty had expressly desired to know the wishes of his people; and in the speech immediately subsequent to the late disgraceful outrages, had declared, that he wished to make the happiness and the welfare of his people his own. What could more immediately or more forcibly convey to the royal mind an authentic proof of the sentiments of the people, than the Commons of England agreeing to pass a bill, the avowed objects of which were public reform and public œconomy? He said,

said, he was astonished at having that night heard the resolutions of the 6th of April talked of with so much slightness, and treated with so little respect. He hoped no man would presume to abrogate a resolution of the House, though agreed to by a former Parliament; more especially a resolution stating so self-evident a truth, as that respecting the influence of the crown; a resolution which had not been hastily consented to, but might be said to be founded on deep conviction, the grounds of it having been most ably, solemnly, and seriously discussed and debated, before the House adopted it, or gave it the sanction of an entry on their Journals. Sir Horace congratulated the House in general, on the burst of abilities, that had given lustre to the debate, and had done the young members on both sides of the House so much honour. It was a happy presage that those, who would, in all probability, be the future supports of the nation, were inspired with the genius of their renowned ancestors, and would one day emulate their glory, in having been the ablest and the most successful friends to their country, that ever undertook the direction of its public affairs.

Mr. *Courtenaye* said, he rose with the utmost diffidence, lest he should be deemed presumptuous in attempting to controvert principles, and combat arguments specious and popular in themselves, and rendered highly so by that brilliant and captivating eloquence, which peculiarly distinguished the honourable gentleman [Mr. Burke] on his moving for leave to bring in the present bill, and which must still vibrate on the ears of the House. No man entertained a higher respect for him than he did. The honourable gentleman merited it; for who was there gifted with such superior talents, who bore his faculties so meekly? Whose candour and ingenuousness were more conspicuous? Who arranged his matter with so much judgment, and who illumined it with so much fancy? It would argue want of taste in those who differed most from the honourable gentleman in the fleeting politics of the day, not to set a just estimation on his singular and shining abilities. Posterity would do them justice, and admire the man who had infused a spirit of Attic elegance into British oratory, and whose classical compositions would be read with delight by the scholar, the philosopher, and the statesman! Mr. *Courtenaye*.

Fully sensible of the difficulties and prejudices under which he laboured, yet he should intreat the patience of the House for a few minutes, conscious that he possessed no powers capable of arresting their attention, or instructing and enter-

taining them for hours, he should always consult brevity as the highest mark of respect and gratitude he could possibly pay, for their generous indulgence in condescending to listen to him.

The present bill held out a very flattering and popular idea —economy—great savings to the public—and a consequent diminution of the dangerous influence of the crown; but the sum proposed to be saved by the honourable gentleman himself was but trifling, considered as a great national object; consequently—a diminution of the influence of the crown must be the true and secret motive for this favourite species of reformation.

He remarked, that by the nature of our mixed government, the disposal of all places of trust and profit are vested in the crown; this liberal and constitutional prerogative, in the opinion of the ablest and most impartial political writers, was productive of many salutary and beneficial effects.

In the first place, it had an obvious tendency to sooth, and allay those restless and irritating passions, which the invidious power and splendour of monarchy were very apt to excite in some men of a certain cast and temperature, especially if, from some cause or other, they had been chilled by remaining too long in the shade, deprived of that genial and exhilarating warmth which court sunshine is usually supposed to bestow.

Yet these perturbed spirits had their use; ever restless and uneasy in themselves, they watched with jealous and aching eyes, every motion of the state machine; often, indeed, they might obstruct and retard its motions, yet at other times, they prevented its descending too rapidly on the wheel of prerogative, and checked it by the drag chain of opposition.

This distinction and opposition of parties, springing from the very nature of our free constitution, derived their full force and complexion from the glorious Revolution, when liberty was more firmly established, and prerogative more accurately defined. He said, it was a revolution principle, and he liked it the better for being so, especially as to this very principle we were indebted for that constant generation of patriots which every administration necessarily begets; they shine and twinkle awhile in their orbits (like other constellations) whilst they preserve their due distance from our political sun; but when they approach too near, they become invisible,

invisible, no longer attract the gaze of popular admiration, but are lost in the majesty of his beams.

The effects naturally resulting from the genius and nature of the British constitution, as operating on the human passions, are admirably and justly described in the following passage by the celebrated Baron Montesquieu:—"As those, who, with the greatest warmth oppose the executive power, dare not avow the self-interested motives of their opposition, so much the more do they increase the terrors of the people, who can never be certain whether they are in danger or not."

"And as the executive power, by disposing of all employments, may give great hopes and no fears, every man who entertains any favour from it, is ready to espouse its cause, while it is liable to be attacked by those who have nothing to hope from it.

"All the passions being unrestrained, hatred, envy, jealousy, and an ambitious desire of riches and honours, appear in their full extent; were it otherwise, the state would be in the condition of a man weakened by sickness, who is without passions, because he is without strength." For man, he said, must be taken as he actually exists in political society, with all his imperfections on his head: as a mere ideal being, he might be safely left to be modelled and governed by the chimerical speculations of visionary philosophers and unpractised statesmen.

Mr. Courtenaye observed, that in pursuance of this system, impeachments, constructive acts of treason against the constitution, axes, blocks, Tower-hill, and such like substantial acts of justice, have been constantly exhibited *in terrorem*, with all the pomp of parliamentary declamation; not with any sanguinary intention, but merely to shake ministers from their situation, and intimidate them into resignation. This conciliatory oil of resignation being once thrown on the turbulent waves of faction, they instantly subside, and all is peace;—because the contention was for power; it was the contest of pride, of ambition, of rival and discordant passions, pursuing the same object. Neither the Ins or Outs entertained an idea prejudicial to the true interest of their country; and even the people seemed frequently convinced of this truth, by seeing the same measures alternately adopted by both parties; and therefore often contemplated the virtuous struggle with calm and cool indifference. Self-interest was seen lurking under the flimsy veil of public spirit; and, like the cob-web over the poor-box, more strikingly marked the charity of the congregation.

 O liber-

"O liberty! O virtue! O my country! has been the incessant pathetic, but fallacious cry, of former oppositions; the present, he was sure, acted on purer motives; they wept over their bleeding country; yet the "Patriot eye, in a fine frenzy rolling," deigned to cast a wishful squint on riches and honours enjoyed by the minister and his venal supporters. If he were not apprehensive of hazarding a ludicrous allusion (which he knew was always improper on a serious subject) he would compare their conduct to the sentimental alderman's in one of Hogarth's prints, who, when his daughter is expiring, wears indeed a parental face of grief and solicitude; but it is to secure her diamond ring, which he is drawing gently from her finger.

To confirm this doctrine by facts, continued he, who was ever more calumniated, whose character was ever more traduced, who was ever persecuted with more bitter invective, than the late Sir Robert Walpole? that ministerial Midas, who was said to have converted Lords and Commons into gold by his magic touch; yet justice has been since done to his memory and merit. His eulogium was pronounced in the other House, and passed without a protest; he was called an able, a wise, and experienced minister, who thoroughly understood the political and commercial interests of this country, and invariably pursued them. This eulogium was pronounced by one who knew him well; a most discerning judge, the greatest statesman of the age, the late Earl of Chatham, whose venerable name mankind will always associate with the grandeur, glory, and extension of the British empire.

Mr. Courtenaye then appealed to the present opposition, to prove that little danger can be apprehended from the influence of the crown—as long, he said, as so many gentlemen, distinguished by great and acknowledged abilities and commanding eloquence, of such popular characters and connections, retained their independence, without places or pensions (except such as they hold for life) the country was safe; and he sincerely hoped we should never be deprived of such, or similar instances of virtue and integrity.

He then begged seriously to ask, whether there had been any avowed or indirect attempt on the rights and liberties of the subject, to provoke this illiberal attack on the prerogative of the crown? He trusted that the same ardent zeal, the same heart-felt veneration for our sacred rights, still glowed in the breast of every Englishman. That virtuous veneration which the names of our Hampdens, our Sydneys, and

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our Ruſſels ſtill inſpire, (notwithſtanding ſome impotent attempts to tarniſh the honour of their characters,) warranted and juſtified the aſſertion. A free government, he ſaid, muſt be ever dear to an ambitious, a ſpirited, and an enlightened people; it alone furniſhed a field for emulation, and objects that called forth the exertion of genius. The elevation of ſoul and ſentiment, the noble pride of independence, the various and characteriſtic traits of the human mind, there alone expand and flouriſh, deriving their vivid luſtre from liberty. In deſpotic governments, where the whole power of the ſtate was veſted in one man, the human mind is degraded; its native and original colours fade away, and are loſt in the ſplendour of the Sovereign; as the primitive and variegated rays of light, on being blended together, diſplay one dazzling glare of white, and no more exhibit a beauty, variety and diſtinction of colours. On ſuch a ſubject, he ſhould be proud to own his enthuſiaſm, and where could he indulge the impaſſioned ſentiment with ſo much propriety as in a Britiſh Houſe of Commons, amidſt the repreſentatives of that free, brave, and generous people, who have cheriſhed a ſpark of freedom for ages, and fed the flame with their blood? Perhaps he might be told, that the American war was a proof of the deſpotic deſigns of adminiſtration; he denied it; though he never was, nor never would be, an advocate for the juſtice, wiſdom, and expediency of the American war, yet he owned it was a popular one;—the aſſerting an unlimitted ſovereignty over America, was flattering to the pride, he would not ſay inſolence, of every Engliſhman; it was a Whig principle, maintained by Whig ſtateſmen, and confirmed by repeated acts of a Whig Parliament. But ſtill he ſhould not deſpair, (notwithſtanding the wiſhes of our enemies, and prophecies of our friends,) that England and America would again be united, and become one great, flouriſhing, and happy people, enjoying the ſame religion, rights, language and laws, and endeared to each other by the ſame generous and perſevering ſpirit for liberty:—an equal and impartial participation of freedom being the cement of true wiſdom and liberal policy to bind every part of the Britiſh empire together, by the only ſolid and permanent union—mutual intereſts and mutual affection. Ireland had lately exhibited a ſingular proof how well this liberal policy had ſucceeded; Ireland, which was ſcarcely viſible above our horizon, added he, is now gradually aſcending, and this luminary (ſince it has eſcaped a fatal and predicted eclipſe, from the perpetual ſhade of the mutiny bill) will ſoon attain its

proper

proper altitude, and shine as a star of the second magnitude, adding beauty and splendour to the British firmament.

Mr. Courtenaye then asked—Was this a time for such propositions to be offered?—Was it by such an invidious and partial plan of inadequate œconomy, that Great Britain was to be saved at this hour of danger? The boasted specific, he said, was injudiciously prescribed, without a thorough knowledge and acquaintance with the constitution, and would be found wholly inefficacious—as inefficacious as the specific adopted by the wisdom of the Roman senate to stop the progress of a pestilence; where the prætor was ordered, with ridiculous solemnity—*pangere clavum*—to drive a nail into the wall of the capitol: and the people of Naples, at this day, when they are menaced with an irruption of Mount Vesuvius, expose the blood of St. Januarius to appease the rage of the mountain. And should we adopt similar and wretched expedients? Did we hope by driving a nail through this or t'other board, or by squeezing and exposing a few drops of blood from the civil list, to check the pride and ambition of the house of Bourbon, dissolve the family compact, and punish Dutch perfidy and ingratitude?

Was this a time for introducing retrenchment, when we should rather call on the board of works to enlarge our septennial, triennial, or annual caravansera, (he believed the delegates had not yet determined which it should be); we should rather be providing entertainment for man and horse; for can we forget that a hundred knights, armed cap-a-pee, are soon to begin their march from the renowned city of York, to attack this, our enchanted castle of St. Stephen's (after having received a priestly benediction from their political pope,) actuated by the generous resolution of rescuing that distressed damsel, Britannia, from the ravishing gripe of the noble lord in the blue ribbon, whose lust of power, unbridled insolence, and tyrannic disposition, we have all so long and so fatally experienced? But before we determine, let us seriously reflect, that innovations are ticklish things; by inconsiderately attempting to improve, we may essentially injure the constitution. Mr. Courtenaye then said, that on reading a very ingenious book, which threw great light on the spirit, manners, and character of our ancestors, in the book he alluded to, (Observations on the Statutes, chiefly the more ancient ones,) there was an act of the 35th of Ed. 1. A. 1307, entitled, *Ne rector arbores in cœmeterio prosternet*. But, as the reason of this prohibitory statute was not well understood, several of the country clergy carried away by the modern taste

taste for improvement, chose to lawn their church yards, and cut away the noxious yew trees; but, after the supposed improvement was made, the wisdom of the act, and the utility of the trees were discovered, as several churches, especially the church of Gyffin, near Conway, in Wales, (for this spirit of improvement had travelled so far,) were materially injured, by being exposed to the storm, deprived of all shelter and protection. Let us improve on the hint, and not with rash and sacrilegious hands, prune away the thick and sheltering foliage of prerogative, lest we thereby injure the temple of Liberty.

Lord *Bulkeley* said, that the honourable gentleman who spoke last had made himself exceedingly merry at the expence of a very grave and serious subject; it was hoped, he said, that the honourable gentleman had not himself an eye after the diamond The noble lord said, that the necessity of reform and œconomy was so obvious, and so pressing, that he was astonished the ministers of the crown had not long since come forwards, and proposed some measures equally promising to produce beneficial consequences, with the clauses of the bill then under consideration. The bill entitled his honourable friend, who brought it in, to the warmest praises from every one of his Majesty's subjects: its principle was undeniably laudable, and he did not doubt but its operation would answer the most sanguine wishes of all who thought it their duty to support it. Should the public, however, have the misfortune to lose the bill, he thought it incumbent on the king's servants, seriously to turn their minds to the real situation of the subjects in general, every man's income having been most alarmingly reduced in consequence of the wars, into which the country had been so unadvisedly precipitated. It was the country gentlemen who suffered the most considerably by the present measures, and the minister ought to attend to their complaints. Every gentleman, like him, who lived upon his estate, (and he hoped he should never derive an income from any thing but his estate), could not but be sensible of the decreased value of landed property, and of the encreasing poverty of his tenants, in consequence of which they were deprived of many of the advantages, the benefits, the comforts, and the luxuries of life, which from their rank and situation they were entitled to expect. Those who had been used to keep large retinues of servants and horses, had been under the necessity of decreasing the number, and of abridging all the enjoyments of this life. The subjects, his Lordship said, were obliged to retrench and to limit their expences, Lord Bulkeley.

pences, and considering the situation of public affairs, he saw nothing indecent or unreasonable in desiring the crown to do the same. It would reconcile the calamity to the suffering people. When the country gentleman saw that his Sovereign participated in the distress of the nation, and that retrenchment was general, it would make it easy and tolerable.

Mr. T. Pitt. Mr. *T. Pitt* took notice of what had been said respecting Mr. Burke's having been rejected by the electors of Bristol, and asserted, that so far from there being any cause for the honourable gentleman's declaring himself humiliated by it, it did not reflect any disgrace on the honourable gentleman, but on that House, and on the kingdom, who were the parties most humiliated on the occasion. Could it be possible, after so many years indefatigable zeal for the public service, after the constant and unwearied display of such uncommon abilities, in the most laudable endeavours to promote the best interests of the nation, that such a man could be rejected! a man, whom every one who heard him ought to have strove who should be the first to take upon his shoulders and carry to the hustings; since every one must be conscious, that there was not to be found in the whole kingdom, a gentleman of greater integrity, or a gentleman better qualified to sit in that House than the honourable gentleman near him. Mr. Pitt declared, he meant not any fulsome compliment; it had so happened that in his walk through life he had not had the honour to live in habits of intimacy with the honourable gentleman; he spoke merely from what others had witnessed as well as himself, the honourable gentleman's conduct, as a member of Parliament, a conduct, that almost every man of every party had, at different times, thought it an act of justice to applaud. After this exordium, Mr. Pitt, went into an examination of the principle of the bill, which he solemnly defended as a principle every way worthy the adoption of the House. He argued the right and the expediency of resuming a part of the civil list revenue, when the distresses of the nation required it, and asserted that the influence of the crown operating in secret, was a much more dangerous enemy to the constitution, than prerogative; prerogative, from the nature of it, acted openly and in the face of day, therefore it was much more easy to guard against it, and to resist its oppressive efforts, than to resist the undermining advances of court influence, which had already gained so fast upon us that it threatened the ruin of the constitution. He called upon the House with great earnestness to seize the present opportunity of shewing the people that the

the resolutions of the 6th of April were not mere words without meaning; and declared that the œconomical effect of the bill, if it passed, was so apparent to him, that he should consider the rejection of it, as a declaration that the House were enemies to œconomy, and that they were determined to go blindly on, wasting the public money, by applying it to the support of useless and unnecessary places and placemen. In that case he should consider his presence in that House to be of little or no consequence, and should save himself the trouble of attending Parliament in future.

Sir *William Dolben* opposed the bill on its principle. If it was right to destroy the influence by which members were returned to that House, it did not go far enough, for it ought also to have destroyed the influence of the aristocracy and of wealthy individuals as well as the influence of the crown; and he said he should have no objection to a general and fair plan of reform that went to the reduction of influence on both sides. We were at all times given to understand, that such a borough belonged to the duke, or to the earl, and that such and such members belonged to the nabob. Much had been said against those who voted with the ministers, as if they could not possibly act from pure and honest motives, he thought such arguments extremely unfair; because it might with just as much propriety be said, that the leaders of opposition generally consisted of the discarded dependents of discarded ministers: and he saw no reason to suppose that gratified pride and expectations created more undue influence on the one hand, than disappointed ambition and avaritious anxiety created on the other. With regard to the bill, there were some parts of it which, he thought, might produce great good; he meant some of those clauses towards the latter end, which regarded the mint, &c. all that related to the civil establishment of his Majesty's houshold he highly disapproved. Sir *W. Dolben.*

Mr. *Rolle* supported the bill; he liked its principles; but to some parts he had his objections. Having delivered his sentiments in a former Parliament, he would not now trouble the House; his chief view in rising, was to take notice of what dropt from the honourable member, who moved the bill, concerning the county he represented. The honourable member said he had been called on, by many, to resume his bill, particularly by the whole county of Devon, &c. &c. Mr. Rolle observed, he understood he had been called on by the associated committee, but not by his county in general. He believed his county was not averse to the revival of his bill; Mr. *Rolle.*

but to the mode in which he had been requested to bring it on. He was certain a very large majority of his constituents disapproved of the association. He did not mean to reflect on any party or persons; his earnest wish and intention were to do justice to all, as became an honest representative. In speaking of associations, he could not avoid mentioning a very alarming resolution of the committee of Huntingdonshire, desiring the housekeepers to arm themselves. This he thought, if not checked, might be attended with very bad consequences; and he wished to know whether the House could take notice of it. He concluded with saying, he thought œconomy, both in private and public affairs, was requisite, and never more than at the present time; that there were many unnecessary and useless places and pensions, which might be very properly dispensed with. For these reasons he should most certainly vote for the bill.

Mr. *Joliffe*. Mr. *Joliffe* said his constituents, he believed, were unanimously against the bill; and for that reason he should vote against it.

Mr. *Thistlethwaite*. Mr. *Thistlethwaite* said that his constituents very warmly approved of the bill, and for that reason, as well as from his own conviction of the utility and excellence of the plan, he should most certainly give it his concurrence. He considered œconomy and retrenchment as essentially necessary, in the present calamitous situation of this country to our salvation; and there was not any thing in the present bill which he conceived to be improper or unfit to be carried into execution.

Sir *Francis Basset*. Sir *Francis Basset* said, that an honourable gentleman, who spoke early in the debate, had told the House, that those young members who voted against the bill then before them, would betray the confidence reposed in them by their constituents. He should certainly vote against the bill in its present form; but he was not conscious of betraying that confidence which his constituents had thought proper to repose in him. Could the honourable gentleman declare himself, that the part which he had taken in this debate would meet with the approbation of his own constituents? He had the honour of being one of his constituents, and he declared that he did not approve of his political sentiments. In speaking his opinion, that night, Sir Francis said, he was convinced that he should speak the sentiments of those who had sent him to that House, for his constituents were friends to the King, and to the constitution. With regard to the bill then before them, he would freely confess that there were parts of

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it which he very much approved, though the greatest part of it, he owned, he disliked. If the honourable gentleman could be persuaded to make the alterations proposed by an honourable friend of his [Sir William Dolben] who had spoken lately, he would give it his hearty assent and approbation. Sir Francis declared he objected to many parts of the bill in its present form, particularly to that part of it which proposed a reduction of his Majesty's houshold, because he did not imagine that the establishment of our present Sovereign was in any respect larger than that of former kings of this country had been; and because that the inconvenience attending such reduction would more than overbalance any advantage that could arise from the small saving proposed to be made by it. Great pains, he observed, had been taken to prove, that the petitions presented to the late Parliament, expressed the sense of the people. This assertion he did not think was founded in fact: it was fresh in all their memories, that the meetings from whence many of the petitions were sent, were convened without the concurrence of the sheriff, whose presence he had always imagined to be necessary to constitute a county meeting: and he did contend, that the resolutions of a meeting where the sheriff did not preside, were in no respect whatever binding on the county at large: but meetings were not only convened without the concurrence of the sheriff, but convened also at a short notice, by gentlemen who thought it their interests to procure petitions to Parliament: at many of these meetings, only the tenants and immediate dependents of the gentlemen who were most active in framing petitions, attended, and the petition was in many places voted and sent to London to be presented, before a tenth part of the freeholders even knew that such a measure was in contemplation: many of these petitions were signed by people who had no right to sign them, and who had not, and perhaps could not, read them. Sir Francis said, he was well aware that he should be told, that all that he had then said about the late petitions, was assertion, which would be of no weight without proof; but if called on, he was ready to produce proof, at the bar, that the facts which he had asserted really happened in more counties than one. He would wish then to ask the House whether this mode of obtaining petitions was not a daring infringement on the rights of British freemen, an infringement the more criminal, because it was made by those who called themselves (how justly he would not pretend to determine) the friends and assertors of the rights and of the liberties of the people?

He held, that ſuch a proceeding was a daring inſult to the legiſlature of this country, ſuch a one as he thought ſhould not paſs unnoticed. If the gentlemen of the other ſide of the Houſe could perſuade them, that meetings held in an illegal manner, and at a ſhort notice, really expreſſed the ſenſe of great and opulent counties, the freeholders of which, (or the greateſt part of them,) did not know that ſuch a meaſure was in contemplation, before it was too late, they might alſo perſuade the Houſe, (which he ſuppoſed they would be very glad if they could,) that a minority was a majority, and that they themſelves compoſed the moſt virtuous, popular and independent oppoſition, that ever exiſted, or any other propoſition equally abſurd and ridiculous. From that Houſe, in his opinion, the ſenſe of the people could only properly be collected; for was it to be ſuppoſed, that their conſtituents would ſend thoſe there, whom they did not know to be of the ſame ſentiments with themſelves? The late elections had ſhewn whom the people look upon to be the real ſupporters of them and their rights, and who they conſider as inimical to their rights: but whenever the late elections were mentioned from that ſide of the Houſe, the voice of the county of Surrey, and of the city of Weſtminſter, was immediately thundered in their ears from the other; the choice thoſe places had made was ſo much boaſted of, that an uninformed auditor would ſuppoſe, that whatever was the ſenſe of the freeholders of Surrey, and of the houſholders of Weſtminſter, muſt of courſe be the ſenſe of the freeholders of Great Britain. The county of Surrey might perhaps think they had acted very handſomely in chuſing their new repreſentative; other counties might think they had done full as well in chuſing repreſentatives of a very different ſtamp: but this would be mere matter of opinion, both on one ſide, and on the other: the ſenſe of the people of Great Britain could be beſt known, by the votes of that Houſe. He ſhould have ſaid nothing of Briſtol, he ſhould have thought it too delicate a ſubject even to hint at, if the honourable gentleman, who brought in the bill then before them, had not ſaid that he could bear his rejection there with temper and moderation: the honourable gentleman had told the Houſe, that his rejection at Briſtol, was no proof that the freemen of that city diſapproved of his bill, and he would own, that it was not poſitive proof that they did ſo; but the preſumption that they diſapproved of it, was very ſtrong; for, as the honourable gentleman's bill was before the laſt Parliament, he ſhould have thought, that if the citizens of Briſtol approved of it, they would on their

their rejection of him, have declared, that however they disapproved of his conduct in general, yet they thought he had acted well, in proposing the bill which was then before them: but they had done no such thing: they had rejected the honourable gentleman, and of course had declared, that they did not approve of the honourable gentleman's conduct in the late Parliament; they had rejected him without any reserve, without any exception. A great deal, Sir Francis observed, had been said in the course of the debate about the increased and increasing influence of the crown: that influence could not surely be so very visible to every eye, as some gentlemen had endeavoured to persuade the House, when the only proof produced, that such an influence really existed, fully convinced him that it did not exist; he meant here to speak of the resolution of the late Parliament, "that the influence of the crown is increased, increasing, and ought to be diminished." If that influence extended so widely in that House as had been asserted, he apprehended such a vote would never have passed: but it shewed rather a bad cause, when the honourable gentlemen of the other side of the House had recourse to a resolution of a Parliament which they were constantly abusing: surely they could have very little faith in the determination of a Parliament, which they themselves, every day, declared to have been most venal and infamous. Sir Francis added, that he had already said, that he must give his negative to the bill before the House, unless the alterations proposed by his honourable friend, were made in it; for, as he disapproved the greatest part of the bill, he should not think himself justified in voting for it, because it contained a few regulations which he very much approved.

Right hon. *T. Townshend*, in reply to Sir William Dolben, said every thing that fell from a gentleman whose private character had rendered him so amiable, that when he was solicited to represent one county, he had been called on by a learned university, in the county in which he lived, to become its representative, was undoubtedly entitled to great respect; he nevertheless could not suffer such extraordinary language to fall from a gentleman, even of his high character, unnoticed. He did not know that any honourable gentleman was entitled to talk of opposition as the discarded dependants on discarded ministers. There were in opposition, gentlemen as respectable, as independent, and as virtuous, as any who voted with the minister; nor could he conceive that an attachment to those, whom the country looked up to for salvation, and who alone perhaps could bring

Right hon. *T. Townshend.*

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it out of its present calamitous condition, was to be thrown in their teeth as a matter of reproach, or as a matter of disgrace; much less did he conceive that it was either fair or decent to assert that every man who acted in opposition to the measures of the present ministers was actuated by the impulse of disappointed ambition or avaricious anxiety. No gentleman had a right to question the manner or the cause of his election: he stood there as independent as any man in that House, and he would support the bill of his honourable friend, not merely because it held out a system of œconomy (though that was a pretty strong recommendation of it to his mind) but because it went some way at least towards diminishing the dangerous and inordinate influence of the crown. It had been asked in the course of the debate what proof there was that the influence was increased? Let those gentlemen look at the encreased public expenditure; let them look at the navy and the army, and at every department of government! Mr. Townshend pursued his argument in favour of the bill with much warmth, and before he sat down, took occasion to declare the great satisfaction he felt at the promising display of abilities, which the young members had that day made, on both sides of the House. He said, he hoped he might be permitted to express the pleasure it gave him, when it was considered that those young members who certainly had not the least distinguished themselves that day, were gentlemen with whom he was intimately connected in friendship and in blood.

Sir William Dolben. Sir *William Dolben* replied to the remarks Mr. Townshend had made on what he had said, and declared he meant not to give that gentleman, or any other, the least offence; that he had only professed himself willing to adopt a plan of reform and reduction of influence, if it was made general, and went to the influence of the aristocracy and democracy, as well as to the influence of the crown; and had said further, that if it was asserted, that those who derived emoluments from the crown, acted under influence of one kind, it was fair to say, that disappointed ambition, or avaricious anxiety might produce an opposite kind of influence, and therefore that the one side of the House was as liable to the imputation of being swayed by undue influence as the other.

Sir George Yonge. Sir *George Yonge* defined the distinction between prerogative and influence, and said, it was as much their duty to check and prevent the fraud of the latter, as it had been the duty and the care of their ancestors to resist the power of the former.

Mr.

Mr. *St. John*, junior, spoke in favour of the bill. Mr. St. John.

Mr. *Sheridan* reprehended Mr. Courtenaye for turning every thing that passed into ridicule, and for having introduced into the House a stile of reasoning, in his opinion, every way unsuitable to the gravity and importance of the subjects that came under their discussion. If they could not act with dignity, he thought they might, at least, debate with decency. Mr. Sheridan said, he would not attempt to answer Mr. Courtenaye's arguments, for it was impossible seriously to reply to what, in every part, had an infusion of ridicule in it. Two of the honourable gentleman's similies, however, he must take notice of. The one was, his having insinuated that opposition was envious of those who basked in court sunshine, and desirous merely to get into their places. He begged leave to remind the honourable gentleman, that though the sun afforded a genial warmth, it also occasioned an intemperate heat, that tainted and infected every thing it reflected on; that this excessive heat tended to corrupt as well as to cherish, to putrify as well as to animate, to dry and soke up the wholesome juices of the body politic, and turn the whole of it into one mass of corruption. If those therefore who sat near him, did not enjoy so genial a warmth as the honourable gentleman, and those who like him kept close to the noble Lord in the blue ribbon, he was certain they breathed a purer air, an air less infected and less corrupt. Another of the honourable gentleman's allusions was not a quite new one—he had talked of the machine of state, and of the drag-chain of opposition. He would only observe upon this, that a drag-chain was never applied but when a machine was going down hill, and then it was applied wisely. As to any thing else the gentleman had said, he should not offer a reply, but should sit down with assuring the honourable gentleman that the most serious part of his argument appeared to him to be the most ludicrous. Mr. Sheridan.

Mr. *Courtenaye* in reply, said, the honourable gentleman was an enemy to mirth and wit in any house but his own. He was stopped by the chair, on account of the personality of the expression. Mr Courtenaye.

Mr. *Charteris* asked, Whether it became a man whose father was a lord of police, to support a bill, one object of which was to abolish all these offices? He also was told, that these personal allusions were disorderly. Mr. Charteris.

The *Lord Advocate of Scotland* now rose, and objected to the bill, in all its parts. The principle he condemned, as being founded in injustice, in a violation of the contract Lord Advocate of Scotland.

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which Parliament had made with the crown; and by which the crown had given up considerations more than adequate to the sum of revenue which it now enjoyed. That revenue was therefore to be considered as positive freehold, and as a personal estate, held under the faith and solemnity of a bargain made upon equitable terms. He did not deny the power of parliamentary resumption; they certainly had the right, but he could not divide his ideas of their omnipotence, from those of their justice and discretion; and he conceived, that they would at all times limit the exercise of their power within the boundaries of their wisdom. The consequences to be expected from this bill, were not, in his opinion, adequate to the sum of injury, which it would commit in the principle. Œconomy was undoubtedly an object of the most desirable kind, and in our present circumstances, it was to be coveted and courted by every individual. But he submitted to the House, whether œconomy might not be purchased at too dear a rate; when, for the sake of saving thirty or forty thousand a year, we were to lay violent hands upon property the most sacred, to abolish a number of places which had been created by the wisdom of our forefathers, to support the dignity and the lustre of the British crown; and which were now held by the first characters in the kingdom for services of a public nature, performed by themselves or by their ancestors. He then went into a long detail of argument on the several heads of the bill, reprobating them all as improper to be complied with, but at the same time paying many compliments to the honourable gentleman who had introduced the bill.

Mr. *Burke.* Mr. *Burke* rose directly, in answer to the Lord Advocate, and in a speech of the most beautiful and nervous argument, in which the honourable gentleman's astonishing powers were warmed and roused by the debate, he combated every assertion that had been made against the right, the expediency, or the advantage of the bill proposed. He did not omit any particular of the smallest consequence that had been advanced, and declared, that he now saw the firm establishment of that influence, which it had been his wish and object to diminish; and he should consider the issue of this struggle as the triumph or the overthrow of parliamentary corruption.

The House divided at twelve o'clock on the second reading; for it 190, against it 233. The bill was then put off to that day six months.

The commissioners for stating the public accounts presented the following report:

To

To the Honourable the Knights, Citizens, and Burgesses, in Parliament assembled.

The Third Report of the Commissioners, appointed to examine, take, and state, the Public Accounts of the Kingdom.

HAVING finished our examinations of all those public accountants that came to our knowledge in the first class, as far as relates to the balances of public money in their hands, we, in the next place, directed our attention to those accountants who receive public money out of the exchequer, by way of imprest, and upon account.

The certificate of the accounts depending in the office of the auditors of the imprest, transmitted to us pursuant to our precept, furnished us with a list of these accountants: as much of this certificate as relates to the subject matter of this present report, is inserted in the Appendix *. We took them into our consideration, in the order in which they stand upon that certificate; a rule we pursue in regard to all lists of accountants, unless there is some special reason for departing from it.

The set of accountants therein first mentioned, are the treasurers of the navy; and of these, the names that stand first are the executors of Anthony Viscount Falkland, whose final account is dated the 4th of April 1689, and from whom a balance of twenty-seven thousand six hundred and eleven pounds six shillings and five pence farthing, is declared to be then due. We did not mispend our time in a pursuit where there was so little probability of benefit to the public: a debt that has subsisted for near a century, may be presumed desperate. Passing over therefore this article, we issued our precepts to Earl Temple, as representative of the late George Grenville, esquire; to Lord Viscount Barrington, Lord Viscount Howe, and to Sir Gilbert Elliot, Baronet, as representative of the late Sir Gilbert Elliot, for an account of the public money in their hands, custody, or power, as late treasurers of the navy. The returns made to our precepts are set forth in the Appendix †; from which it appears, that the balances of public money remaining in their respective hands, upon the days therein mentioned, amounted together to the sum of seventy-six thousand seven hundred ninety-three pounds eighteen shillings and one penny farthing.

That we might learn for what reasons, services, or purposes, these sums are permitted to remain in the hands of treasurers of the navy, so long after they are out of office, we examined several of the officers in this department, namely, George Swaffield, esquire ‡, cashier of the victualling; Andrew Douglas, esquire §, paymaster; Mr. Adam Jel-

* No. 1. † No. 2. ‡ No. 3, 4. § No. 5.

[illegible], chief clerk to the paymaster*, and Mr. Francis Cook, ledger writer †. By them we are supplied with the following information:

The office of the treasurer of the navy is divided into three branches, the paymaster's, the cashier's, and the victualling branch. All the money he receives is for the navy services, and placed under, or carried over to one of these branches; the money in each branch is subdivided, arranged, and kept under various different heads of services; the whole balance, at the time he leaves the office, continues to be liable, whether it be in his hands, or in the hands of his representatives, in case of his death, to the same services for which its several parts were originally destined; and the commissioners of the navy, victualling, and sick and hurt offices, each in their several departments, continue to assign bills upon him for payment, until they have reduced his balance to such a sum as, in their opinions, will not be more than sufficient to answer purposes for which it has been usual to leave money with him, until his final account is passed. These purposes are, first, to carry on the recalls upon those ships books which were open in his treasurership, and the payment of the half pay lists and bounties to chaplains. The ships books are usually kept open for recalls, for seven or eight years after the expiration of the treasurership, in order to give those seamen who, by being either turned over to other ships, or employed in other places, could not attend at the time their ship was paid, an opportunity of receiving their wages when it is in their power to apply for them. The only fund applicable to this service is the money in the pay branch, placed under the head of "To pay ships, and carry on recalls:" this service is at an end when the ships books are made up. They are made up as they come in course in order of time; and after the last is closed, the half pay lists are also closed, and the payment of the bounty to chaplains ceases.

The other purpose is to pay the fees and expences of carrying on, making up, and passing his accounts. Upon passing every annual account, fees are paid to the auditors of the imprest, out of the money in his hands, under the head of "To pay exchequer fees, and other contingent expences of the pay office;" but upon passing his final account, there is a gratuity also paid in the following manner: the officers and clerks who transact the business of the treasurer in office, carry on also at the same time, and finally make up, the accounts of the treasurers out of office; for which extra work they have no salary or recompence whatever, until the final account is ready to be passed, at which time it has been usual for them, by petition to the lords of the treasury, to obtain a reasonable allowance for their trouble, which has been paid them, by virtue of a treasury warrant, out of any money

* No. 6, 7, 8. † No. 9.

remaining

remaining in the hands of that treasurer, under whatever heads of service it may be placed. This gratuity, together with the fees of passing the annual accounts, and for the *quietus*, it is imagined, will exhaust the whole balance now remaining in the hands of Lord Temple.

All the ships books which were paid by Mr. Grenville, Lord Barrington, and Lord Howe, are made up, and consequently the balances which the three boards have left in the hands of these treasurers must be for the purpose of paying the fees and expences of carrying on, making up, and passing their accounts. Of Sir Gilbert Elliot's ships books, five hundred and six are still open for recalls; and payments, if applied for, are made upon them once a week; and therefore, whatever sums stand upon his account, in his paymaster's branch, under the heads of wages, half pay, and bounties to chaplains, are still applicable to those services; and the residue of the money permitted to remain with him is for the purpose of paying the fees and expences of carrying on, making up, and passing his accounts.

How soon then will these several sums be wanted for this purpose? The accounts of the treasurers of the navy are made up and passed as they come in course in order of time; the officers must finish one year before they begin upon another; and a subsequent treasurer's account is never finished till his predecessor's is finally closed. The state in which their accounts are, in the office of the auditors of the imprest, is this: the last which is declared is Mr. Grenville's account for the year 1758: of all the subsequent accounts, only some sections of their respective navy and victualling ledgers are delivered into this office; which parts of the treasurer's accounts are usually sent thither as speedily as they can be made up after the year expires.

* From an account of the balances remaining in the hands of these treasurers, at the times they respectively ceased to be treasurers †; and an account of the times when their last ships books were made up; and a state of Mr. Grenville's balances ‡, and of the balances of Lord Barrington, Lord Howe, and Sir Gilbert Elliot §, every year since they severally went out of office, all transmitted to us from the pay office of the navy, pursuant to our requisitions, we find that Mr. Grenville resigned this office in 1762, and his last ship's book was made up in 1771; that Lord Barrington resigned this office in 1765, and his last ships book was made up in 1775; that Lord Howe resigned this office in 1770, and his last ship's book was made up in 1778; and that Sir Gilbert Elliot died in 1777: hence it appears, that for near nineteen years there has been in the hands of Mr. Grenville, or of his representatives, and for fifteen years in the hands of Lord Barrington, and for ten years in the hands of Lord Howe, and for three years in

* No. 10. † No. 11. ‡ No. 12. § No. 13, 14, 15.

hands of the representatives of Sir Gilbert Elliot, considerable sums of public money (exclusive of the sums on the heads of wages, half pay, and bounty to chaplains) destined to purposes which (except the passing three years of Mr. Grenville's accounts) have not yet existed, and which, if we may judge from the progress hitherto made in passing these accounts, are not likely soon to exist.

Where public money is appointed for a service or purpose to arise at a future time, we are of opinion, the public alone ought to have the custody and use of that money, in the mean time, and until the service or purpose calls for its application.

When the fees and the gratuity become payable, we see no reason why the treasurer in office should not pay them, in like manner as the treasurers out of office pay them now.

We did not form our opinion upon these balances without first hearing the late treasurers themselves, or the representatives of those who are dead; and therefore we examined Earl Temple, Lord Viscount Barrington, Lord Viscount Howe *, and Sir Gilbert Elliot, Baronet †; not one of whom made any objection to paying their balances into the exchequer, upon condition, some of receiving their *quietus*, others of being made secure in such payments. We do therefore conceive, that the balances of public money, now remaining in the hands of Earl Temple, as representative of the late George Grenville, Esquire, and in the hands of Lord Viscount Barrington, and of Lord Viscount Howe, and of Sir Gilbert Elliot, Baronet, as representative of Sir Gilbert Elliot, late treasurers of the navy, ought to be paid into the exchequer, for the public service, leaving in the hands of Sir Gilbert Elliot the sums in his account placed under the heads of wages, half pay, and bounties to chaplains, to carry on the services to which the same are applicable; that such payments should be without prejudice, and a proper security and indemnification be given to each of them against any loss or detriment that may accrue to them in consequence of such payments.

The right honourable Welbore Ellis, the present treasurer of the navy, returned to our requisition ‡, a balance in his hands upon the 30th of August last, of three hundred forty-eight thousand nine hundred forty-one pounds eleven shillings and nine pence. The act directs us to examine into all balances in the hands of public accountants, for the purpose of considering what sum may be taken out of their hands, to be applied to the public service. It is obvious, we could not examine the balance in the hands of the treasurer in office with this view; it could not be in our power to say, that any part of it ought to be paid back into the exchequer, because, in an office of so constant and

* No. 16, 17, 18, † No. 19. ‡ No. 20.

large

large an expenditure, this ſum muſt probably be exhauſted, even while it was under our conſideration; but it was competent to us, and we thought it our duty, to examine whether this was a larger ſum than the current buſineſs of the office required ſhould at that time be intruſted to the treaſurer of the navy. A compariſon between the quantum of the ſum, and the demands upon it, would enable us to form ſome judgment upon this point; with this view we examined the preſent treaſurer himſelf, Timothy Brett, Eſquire, * commiſſioner of the navy, and comptroller of the treaſurer's accounts, John Slade, Eſquire, † commiſſioner of the victualling, and John Bell, Eſquire, ‡ commiſſioner of the ſick and hurt; from whom we collect the following information.

All the money received by the treaſurer, for the ſervices of the navy, is either iſſued to him out of the exchequer, or paid to him by ſundry perſons, in purſuance of the directions of the navy, victualling, or ſick and hurt boards. The money from the exchequer is iſſued to him, and arranged in his accounts under various heads of ſervices; theſe heads are kept diſtinct; and he cannot place or transfer a ſum iſſued to him under one head, to any other head of ſervice. All bills aſſigned upon him for payment by theſe boards, ſpecify the correſpondent head of ſervice out of which that bill is to be paid, and he muſt not pay it out of money placed under any other head of ſervice than that ſo ſpecified on the bill.

When money is wanted, the application for it never originally moves from the treaſurer, except in the ſingle inſtance of money to pay fees, and other contingent expences; this he craves of himſelf, when that fund is nearly exhauſted; in all other caſes, the board, in whoſe department it is, by letter, deſire him to preſent a memorial to the lords of the treaſury, ſpecifying the ſum wanted, and for what particular ſervice; the memorial purſues the letter, and the iſſue is directed from the exchequer in the terms of the memorial. The treaſurer immediately certifies to the navy board the whole ſum he receives, and to the other boards, ſo much of that ſum as concerns them; he alſo tranſmits to the navy board an account of all his receipts and payments in the caſhier's and victualling branch every fortnight, and in the pay branch every month; by theſe means they have an exact knowledge of the ſtate of his balance under each head of ſervice. Each of theſe boards enter in their books all the aſſignments they make upon him for payment; of which they tranſmit to him a liſt; hence they know what the actual demands upon him amount to; and, from their experience in the courſe of the navy buſineſs, they can form ſome conjecture relative to the probable approaching demands that may be made upon

* No. 21, 22. † No. 23. ‡ No. 24.

him

in the various branches of the service. By such knowledge and information these boards are guided in their directions to the treasurer, as to the time when, the quantum of the sum, and the service for which, every application for a supply is to be made to the treasury.

At the end of every month, the navy board transmit to the treasury a certificate, containing an exact state of all the receipts and payments made by the treasurer during that month, as they appear from their books; hence the lords of the treasury have full knowledge of the state of his balance every month: this certificate for the month of August last we procured from the navy office, on which the balance in the hands of the treasurer appears to be *two hundred sixty thousand seven hundred sixteen pounds one shilling and eight pence farthing.

Being made acquainted thus far with the course of business in this office, our next step was to resolve this balance of three hundred forty eight thousand nine hundred forty one pounds eleven shillings and nine pence into its constituent parts, and compare the quantum of each part, as far as we could, with the actual and probable demands of service upon it on the 31st of August, the date of his return.

The first circumstance that engaged our attention, was a difference between the treasurer's balance and the navy balance, upon the same day, the 31st of August, the former exceeding the latter by the sum of eighty-eight thousand two hundred twenty-five pounds ten shillings and three farthings; this difference lies in the officers and victualling branches, and arises from the following cause ——When the three boards assign bills upon the treasurer for payment, they immediately give him credit for those bills, in his account kept at their offices; but the treasurer does not himself take credit for any bills in his own account till he actually pays them. The persons who receive these bills do not always immediately present them to the treasurer for payment, but frequently keep them in their possession for a considerable time. The treasurer's balance must therefore exceed the navy balance as much as the sum of the bills assigned upon him for payment, exceeds the sum of the bills actually paid by him. We conceive this excess is not money for which the treasurer is accountable to the public, but belongs to the proprietors of those bills, and remains in his hands, at their risk, until they apply to him for payment. This sum, therefore, we think, should be deducted from his balance.

We, in the next place, observed that several sums in each branch were not actually in the hands of the treasurer, but of his officers and clerks, either carrying on services in London, or at the distant ports, whither these sums were directed to be sent by the navy board, to carry on the services at those ports: it may reasonably be presumed that the boards would not have directed into the hands of the officers, nor the

* No. 25.

treasurer

treasurer have intrusted them with, larger sums than were wanted; and therefore these sums, too, may be deducted from the treasurer's balance; which will reduce the public money actually in his hands to the sum of one hundred twenty-eight thousand eighty-three pounds sixteen shillings and ten pence farthing, as appears by the state inserted in the Appendix.* The constituent parts of this balance, under their several heads of service, consisting of a variety of articles, are stated in the navy certificate; some of them carry the appearance of having been applied for sooner than the services seem to have required; but, upon examination, we find that the boards do not direct an application for a supply to any fund, until they know that fund is nearly, or likely soon to be exhausted. The treasury are sometimes prevented from granting the issue until many days after it is craved; and therefore the boards are careful to apply early enough, to guard against the hazard of a demand upon an exhausted fund. To search into the actual and probable demands, at that time, upon each of these sums, was hardly practicable; one circumstance alone might enable us to judge with sufficient accuracy, whether the sum total was too large or not; that is, in what time this balance was in fact paid away by the treasurer. It appears from his accounts for the month of August, that this whole balance, and much more, was received by him during that month; and by his accounts for the month of September,† transmitted to us pursuant to our requisition, it appears that not only the balance remaining on the 31st of August, but a much larger sum, was in fact paid away by him during the succeeding month. Considering, therefore, this sum by itself, independent of, and unconnected with, his other receipts and payments, prior and subsequent to the date of this balance, we have no grounds to say that this individual sum, received in one month, and paid away in the next, was more than the service required should be in the hands of the treasurer of the navy upon the 31st of August last.

But it was necessary to extend our enquiry still farther. What is the amount of the sum that has been continually in the hands of the treasurer of the navy, and has that sum been more than the current services required? To come at this knowledge, we obtained from the navy office an account of the total sums received and paid by the treasurer of the navy, for every month, from the 1st of January 1779 to the 31st of August last, with the total of the balances remaining in his hands at the end of each month, as they appear in the monthly certificates to the treasury.

As the public money should pass without delay from the pocket of the subject into the exchequer, so it ought not to issue out of the exchequer,

* No. 26. † No. 27. ‡ No. 28.

chequer, either before it is wanted, or in larger sums than the service for which it is issued requires. By this last account, a very large sum has been constantly in his hands, during the period therein mentioned, exclusive of the amount of bills assigned upon him, but not presented to him for payment. The principal cause of the magnitude of this balance, is the practice, in this office, of not applying money issued under one head, towards satisfying a demand upon any other head of service; the consequence of which is, when the money upon the account of any head of service is nearly exhausted, a supply must be procured for that service, how abundant soever the sums upon other heads of accounts, or the sum total of his cash, may be. Were all the sums he receives to constitute and be considered as one common general cash, and be applied indiscriminately to every service, a much less sum than the lowest of the balances in the account last-mentioned would, in our opinion, suffice to carry on the current services of the navy, even various and extensive as they now are. It would create no confusion in the accounts; for the receipts and payments under each head of service might still be kept distinct; and though the payments might frequently exceed the receipts on some heads of accounts, yet the treasurer would not be without sufficient cash, and the next issue from the exchequer would restore the balances. What the sum necessary for carrying on the service should be, must depend upon circumstances; it will be different at different times, and must be left principally to the discretion of those commissioners from whom the direction for supplies move, who, being conversant in the business, can best determine. But, to enable the lords of the treasury likewise to judge of th propriety of, and be a check and controul upon, the requisition, we are of opinion, that besides the certificate sent every month from the navy board, an accouut of the sum total of the balance in the hands of the treasurer of the navy should be inserted in every application for a supply to the treasury.

We have not been inattentive to defects we have observed in this office during the course of our enquiries; defects which concern the officer, the office, and the public,

The treasurer finds his business does not end with his office; his accounts are still open: he goes on, receiving and paying, until he feels himself, his family, and his fortune, subject to all the evils of long public accounts far in arrear, and the difficulties of rendering an account encreasing daily: he continues responsible for millions, without an expectation of obtaining his final discharge during his life.

The office is perplexed with the multiplicity of these accounts.—— There are four distinct accounts, of four treasurers of the navy, at this time open at the pay office, and business is carried on upon every one of them at the same time, by the same officers, when the current

business of the present treasurer alone would find employment enough for them all.

There have been issued to three of these treasurers, for the navy [illegible] vice, upwards of thirty-three millions,§ the accounts of which are [illegible] passed; exclusive of above twenty-five millions to the late Mr. G[illegible] ville, whose final account is not yet settled; and of sixteen millions [illegible] the present treasurer, none of whose accounts could as yet be settle[illegible]

The navy accounts in July last, when the imprest certificate [illegible] transmitted to us, were in arrear in the office of the auditor of the [illegible] prest twenty-two Years. This delay is occasioned by the account[illegible] subsequent years not being made up at the pay office of the navy, w[illegible] there is a want of officers and clerks for this department. A suffic[illegible] number of persons, intelligent in this branch, should forthwith be [illegible] vided by the proper authority, with adequate salaries, for the sole p[illegible] pose of proceeding upon, bringing forward, and making up these [illegible] counts, with as much dispatch as the nature of the business will adm[illegible]

By this delay in making up the accounts, the public loses the use, [illegible] least, of considerable sums of their own money; not that the princip[illegible] itself has always been safe. A defaulter of above twenty-seven tho[illegible] sand pounds stands at the head of the list of treasurers of the na[illegible] upon the imprest certificate.

We enquired why a treasurer, under the present constitution of the office, might not, upon his resignation, immediately pay over his [illegible] lance to the successor, or into the exchequer, and all the subsequ[illegible] transactions of office be carried on by the treasurer for the time be[illegible] Two reasons were assigned for the necessity of keeping open his ac[illegible] counts, though out of office.

1st, That sufficient time may be given to his sub-accountants [illegible] clear their imprests.

The sub-accountants are certainly very numerous; and as, accord[illegible] ing to the present mode of passing these accounts, they must all be [illegible] *insuper* upon the final account, was that account to be made up soon after the expiration of the treasurership, it would be very voluminous and troublesome to the office.—But, since the treasurer in office does now clear the imprests of some of his predecessors, and can clear the imprests of all, and the three boards can, at their pleasure, call upon [illegible] sub-accountants to clear their imprests, we do not think his reason conclusive.

2d, That the payment of his ships books may be compleated.

A ship's book is the voucher for the treasurer who pays it: two [illegible] not pay upon the same book; it would create confusion, as the pay[illegible] ments of the one could not, without great trouble and difficulty, [illegible] distinguished from those of the other; it could not therefore be m[illegible]

§ No. 29.

[illegible]cher for two treasurers [illegible] to enable a treasurer in office to carry on the payment of a ship's book open in the time of his predecessor, the names of all the seamen not paid must be abstracted, and entered in a new book; a work of great labour and length of time, where the books are so numerous; and during all that time no payment of wages could be made to the seamen unpaid upon those books.

Upon the examination of a ship's book, there appears a foundation for this objection, which opens a door for a possible mischief, worthy consideration. It is in the power of a treasurer of the navy, retiring in disgust, to refuse carrying on any more payments, and by that means to put a stop, for eight months or more, to the payment of all the seamen on the numerous volumes of ships books open at the several ports in his treasurership. Mr. Grenville left open above thirteen hundred. This evil does not rest in speculation: we have an instance of it in evidence. The office that does not guard against the possibility of such an evil, is fundamentally defective.*

These defects should be speedily corrected. To alter the constitution of the office; to abolish the subordinate treasury; to render a treasurer the mere accountant; and to vary the mode of accounting, carry with them a strong appearance of an effectual remedy: but were we, in the present state of our enquiries, to come to decisions of such moment, we should be premature, perhaps rash. It is easier to see the defects than to supply the regulation. The pay of the navy is an important object; and any alteration in the mode should be well weighed before it is adopted; it should be traced through all its effects, and perfectly ascertained to be as feasible in practice as it is specious in theory. To disturb, to confound, or to delay (effects not unfrequent, when novelty of form is introduced, and new principles applied to an old office) might be attended with very serious consequences.

The defects to which we have alluded presented themselves in the course of an examination made, in obedience to the act, for a more limited purpose. Coming, however, before us, they are, in our opinion, too important to be passed over in silence: we thought it our duty to point them out, that, should they be deemed a proper subject for the exercise of the wisdom of the legislature, the solid advantages which would result to the public from their correction, might not be delayed. Had we protracted this report until we were possessed of materials for a well-grounded opinion upon these points, we must have disobeyed the act, that enjoins us to report, in the first place, upon the balances in the hands of accountants in this session of Parliament, to the end that the public money, long ago issued, and still remaining in

* No. 6.

their

their hands, may, with all convenient speed, be restored to the possession of the public.

Office of Accounts,
Bell-Yard,
March 6th, 1781.

GUY CARLETON, (L. S.)
T. ANGUISH, (L. S.)
A. PIGGOTT, (L. S.)
RICHARD NEAVE, (L. S.)
SAM. BEACHCROFT, (L. S.)
GEO. DRUMMOND. (L. S.)

APPENDIX.

No. 1.

To the King's Remembrancer of the Exchequer.

Trinity Term, 1780. WE hereby certify how far the several accountants have passed their accounts before us, to the end process may issue against defaulters, according to the course of the Exchequer.

Treasurers of the Navy.

Executors of Anthony Viscount Falkland.	His final account, ending 4th April 1689, is declared, with a balance due from the accountant of 27,611l. 6s. 5½d.
The Right Honourable George Grenville. By patent, dated 25th of November 1756.	His accounts from 25th November 1756, his second appointment, to 31st December 17[illegible], are declared. The navy and victualling ledgers part of his accounts, from 1st of January 1759 to 31st December 1761, are under examination.
Lord Viscount Barrington. By patent dated the 2d of June 1762.	Has delivered his navy and victualling ledgers part of his accounts, in the several years from 2d June 1762 to 31st of December 1764. He hath delivered several sections of his navy and victualling ledgers, from 1st January 17[illegible] to 9th August following.
Richard Lord Viscount Howe. By patent, dated 9th of August 1765.	He has delivered several sections of his navy and victualling ledgers, from 9th August 1765, the day of his appointment, to 31st December following. He has delivered several sections of his navy ledgers part of his accounts, for four years ending 31st December 1769.
Sir Gilbert Elliot, baronet.	Has delivered several sections of his navy and victualling ledgers, from 19th March 1770, the date of his patent, to 31st December 17[illegible].

No. 2.

An ACCOUNT of the Balances in the Hands of the late Treasurers of the Navy, from the Returns made by them to the Commissioners appointed to examine, take, and state, the Public Accounts of the Kingdom.

Treasurers.	Date of the Balance.	Branch.		£.	s.	d.	£.	s.	d.	Total.		
George Grenville, Esquire,	30th June 1779.	Pay branch.										
		For wages —	—	1,471	16	4¼						
		Half pay	—	193	18	10						
		Sick quarters	—	103	9	10						
							1,769	5	—¼			
	31st December 1777.	Cashier's.										
		In the bank	—	1,954	4	8½						
		Money and premiums	—	362	9	1¼						
		Mr. Slade's hands	—	193	17	2¼						
		Exchequer fees, &c.	—	4,965	3	4						
							7,475	14	4½			
		Victualling.										
		Balance remaining	— — — —				3,115	4	—			
										12,360	3	4¾
Lord Viscount Barrington,	21st September 1780.	Pay branch.										
		For Wages	—	3,048	14	5						
		Half pay		533	13	6						
		Sick quarters	—	1	3	8						
		Bounty to chaplains	—	219	—	—						
							3,802	11	7			
		Cashier's.										
		For paying navy bills	—	1,207	9	3						
		Exchequer fees, &c.	—	5,364	13	2						
							6,572	2	5			
		Victualling.										
		Balance remaining	— — — —				3,388	13	1¼			
										13,763	7	1¼

Lord Viscount Howe,	28th August 1780.	Pay branch.			
		For wages —	8,067 7 1¾		
		Yards —	1,238 3 3		
		Half pay —	1,731 13 6		
		Bounty to chaplains —	226 1 6		
				11,263 5 4¾	
		Cashier's.			
		For payment of bills —	4,599 4 9¾		
		Exchequer fees —	4,436 17 5		
				9,036 2 2¾	
		Victualling.			
		Balance remaining — — — —		2,807 3 10¼	
					23,106 11 5¾
Sir Gilbert Elliot,	16th October 1780.	Pay branch.			
		For wages —	2,170 19 9¾		
		Yards	2,814 7 1¼		
		Half pay —	874 6 5		
		Sick quarters —	46 14 —		
		Bounty to chaplains —	42 10 6		
				5,948 17 10½	
		Cashier's.			
		For payment of bills —	10,447 6 9¾		
		Exchequer fees —	3,751 13 2		
				14,198 19 11¾	
		Victualling.			
		Balance remaining — — — —		7,415 18 2¼	
					27,[illegible] 16 1
					[illegible]

No 3.

The Examination of George Swaffield, *Esquire, Cashier of the Victualling, in the Pay Office of the Navy, taken upon Oath, the 18th and 19th of October* 1780.

THIS examinant saith, That he now is, and has been between seven and eight years, cashier of the victualling under the treasurer of the navy, and that he has been upwards of thirty-three years in the pay-office of the navy.

That his business is to receive and pay all money issued to the treasurer of the navy on the head of victualling.

That the office of the treasurer of the navy consists of three branches, the paymaster's, the cashier's, and victualling.

That he superintends and takes care of the accounts of the late George Grenville, Esquire, and of Lord Viscount Barrington, late treasurers of the navy.

That it is the practice of the office for the paymaster to superintend the accounts of the treasurers of the navy, after they are out of office, and that, during Mr. Wallis's time, who was paymaster to Mr. Grenville and Lord Barrington, but very infirm he transacted the business for him, and on his death the said business devolved upon him.

That he thinks the balance of one thousand seven hundred and sixty-nine pounds five shillings, returned by Lord Temple to be in his hands as representative of George Grenville, Esquire, under the head of wages, is not likely to be demanded on that head, the books being all made up for that branch.

That in the cashier's account, he thinks the balance of seven thousand four hundred and seventy-five pounds fourteen shillings and four pence halfpenny, will be exhausted in fees and gratuities to be paid on passing the accounts; for larger sums passed through Mr. Grenville's hand, in the four last years of his treasurership, and the auditor's fees increase in proportion.

That in the victualling branch he thinks there may be some few bills, but of no great amount, still to be paid out of the balance of three thousand one hundred and fifteen pounds four shillings, remaining on that head, and that the residue will be exhausted in fees and gratuities.

He believes that some sections of Mr. Grenville's accounts for the years 1757 and 1758, were delivered into the auditor's office soon after the expiration of those years, and that the voluntary charge, the account of payments of wages to seamen for the years 1759 and 1760, are not yet delivered in to the auditor, but are signed by the commissioners of the navy, and will be delivered in a few days, which will complete the accounts for these two years; that all payments by bills for both the navy and victualling branches, for the year 1761, have been delivered into the auditor's office near eighteen years. It is a rule in the office, to send in these parts of the treasurer's accounts as speedily as possible after the year expires.

That none of the accounts for the year 1762 are as yet sent into the auditor's office, that being Mr Grenville's final account, which is the most troublesome, and the office wishes to have the former accounts cleared, before any part of the final account is delivered in, as the persons who have received money on account, and have not cleared their accounts are returned *insuper* in the final account, and the treasurer then, and not before, takes credit for

the sums he has advanced them, and all the transactions of his treasurership are then finally closed.

That he believes all Mr. Grenville's accounts, as far as relates to the treasurer of the navy's office, will be in the auditor's office before the end of the year 1782, and finished there by the end of the following year.

That the reason why the ships books, for the payment of seamen's wages, cannot be delivered in along with those of the payment of bills, is, because they must be kept open to give the seamen an opportunity to receive their wages; which they often cannot do, when the ships are ordered to be paid, being turned over to other ships, and dispersed in different parts of the world.

The ships books are generally kept open for recalls about seven or eight years, and are then made up as they come in course in order of time. When a ship's book is once closed, no further payment can be made upon it, but the seaman entitled to his wages must apply by petition to the navy-board, who order the wages to be entered on the list of arrears, and paid out of the money received on the head of wages; the treasurer's accounts for any year cannot be made up until all the ships books of that year are closed; the same reason holds as to the voluntary charge, that accounts cannot be completed until the ships books are closed.

When a treasurer's final account is passed, he pays the balance remaining in his hands into the exchequer.

That a treasurer's account must necessarily be kept open after he is out of office, to give time to those who have received money from him upon account, to clear their accounts; and that a treasurer's account cannot be made up, and the balance paid over to his successor, soon after he goes out of office; because of the trouble it would create to the office, and the delay of paying the seamen's wages; as all the sums not paid by him must be extracted, and carried over to new books, to be paid by the succeeding treasurer; for different treasurers cannot pay on the same book, as one voucher cannot be admitted for two persons.

That this examinant believes Mr. Grenville paid in his treasurership between thirteen and fourteen hundred ships books, which were left open when he went out of office.

That the treasurer for the time being has no power to call upon any persons, to whom bills have been issued by way of imprest, to clear their accounts; that is the business of the navy, victualling, and sick and hurt boards.

This examinant further saith, that as to Lord Barrington's account, none of his paymaster's accounts are yet in the auditor's office; they cannot be sent in until Mr. Grenville's accounts are settled in the treasurer's office, as the clerks must finish one before they begin another.

That he thinks there may be some small demand still made upon Lord Barrington for wages, but to no great amount; and the navy and victualling boards may still assign bills upon him for payment, so as to reduce his balance to such sum only as shall be sufficient to pay the expences of passing his accounts; and they do exercise that power.

That he believes all Lord Barrington's accounts will be complete in the auditor's office within three years after Mr. Grenville's are finished; and that there are no other services to be carried on with these balances, except such as are above-mentioned. GEO. SWAFFIELD.

Guy Carleton, T. Anguish, Rich. Neave,
Geo. Drummond, Sam. Beachcroft.

No. 4.

The further Examination of George Swaffield, *Esquire; taken upon Oath, the 16th February* 1781.

THIS examinant saith, That after a person has received money, by way of imprest, from either the navy, victualling, or sick and hurt boards, he delivers in an account of his disbursements to the same board. They settle his account; and if a balance is due from him to government, in the navy and sick and hurt offices, an entry is generally made at the foot of his clearing bill, that such balance is to be paid into clear the account. This bill goes to the treasurer; who receives that balance, either to clear the imprest, or, if the imprest was in a former treasurership, to become a part of his voluntary charge. In the victualling office, they write to the treasurer, desiring him to receive the balance, in order to clear the imprest.

In the navy branch, alone, the number of imprests is always great, and if a treasurer's account was to be made up soon after his resignation, all those persons whose imprests were not cleared must be returned *insuper*, and every imprest bill described upon his final account. The practice of the auditor's office makes this necessary, and is one cause of the delay in passing a treasurer's final account.

The sum under the head of fees and contingencies, is applied by the treasurer in office to the payment of fees at the treasury and exchequer, upon his application for and receipt of money, and to the payment of other small incidental expences. After he is out of office, this sum is appointed solely to the payment of the fees of passing accounts.

When the voluntary charge of any year's account is carried into the office of the auditor of the imprest, the fees for passing that year's account are then settled, and paid out of money remaining in his hand under the head of exchequer fees, &c. which sum they allow in his account. The expence of procuring the quietus is paid by him in pursuance of a bill made out by the navy board, and assigned upon him for payment, out of the same fund.

When the final account is ready to be passed the officers and clerks who have carried on the accounts of a treasurer ever since he was out of office, and who have no other reward or emolument for that business, petition the lords of the treasury for an allowance for this extra trouble, in proportion to the length of the treasurership, the sum accounted for, and the extent of the account. The treasury refer the memorial to the auditors of the imprest, to examine and certify whether the sum applied for be reasonable; and upon their report the lords of the treasury issue a warrant to the auditors, to allow that sum out of any money remaining in the hands of that treasurer, who pays it to the officers and clerks in pursuance of that warrant.

T. Anguish,
A. Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

GEO. SWAFFIELD.

No. 5.

The Examination of Andrew Douglas, *Esquire, Paymaster to the Treasurer of the Navy; taken upon Oath, 25th of October* 1780.

THIS examinant saith, That he now is, and has been for upwards of ten years, paymaster to the treasurer of the navy.

That he superintends the accounts of Sir Gilbert Elliot, late treasurer of the navy.

That, according to the report of the clerks of the office, from their books, the last sections of his victualling ledgers, to the year 1778, were delivered in to the auditor's office on the 17th June 1779.

That he cannot form any judgment when Sir Gilbert Elliot's accounts will be finally passed.

That he is informed, and believes, all the open accounts of the treasurers of the navy are proceeded upon at the same time; but a subsequent treasurer's account is never finished until his predecessor's is finally closed.

That the balance that was in the hands of Sir Gilbert Elliot, when his treasurership expired, has been reduced by payments made on the head of wages, navy, victualling, and sick and hurt bills, assigned by these boards upon him for payment.

That the balance remaining is applicable to the several services for which the money was granted, and the payment of the expence of passing his accounts.

That he believes the expence of passing the late Sir Gilbert Elliot's accounts will amount to five thousand seven hundred pounds and upwards, besides the usual allowance granted to the officers and clerks employed in the treasurer's office in settling the accounts, which he thinks may, according to former instances, amount to four thousand pounds more, and upwards.

That he knows of no rule which governs the navy board, as to the amount of the balance they permit to remain in the hands of a treasurer of the navy, after he is out of office.

T. Anguish,
A. Piggott,
Geo. Drummond,
Sam. Beachcroft.

ANDREW DOUGLAS.

No. 6.

The Examination of Mr Adam Jellicoe, *Chief Clerk to the Paymaster in the Office of the Treasurer of the Navy, taken upon Oath, the 27th of Oct.* 1780.

THIS examinant saith, That he now is, and has been for near four years, chief clerk to the paymaster in the office of the treasurer of the navy, and that he has been in the pay office of the navy about forty years.

That it is a branch of his office to make up the ships book, and to settle the accounts of the treasurers of the navy, as far as relates to the paymaster's branch.

That all the ships books of Lord Barrington's and Lord Howe's treasurerships are made up.

'That the number of ships books paid upon by Lord Barrington, was six hundred and seventy-nine; and by Lord Howe, six hundred and twenty-five.

'That Sir Gilbert Elliot, the late treasurer, paid upon eight hundred and sixty-four ships books, of which three hundred and twenty six are made up; that none of these books were begun to be made up until the treasurership was expired, in order to give time to the claimants to come in and be paid; the last book made up of Sir Gilbert Elliot's treasurership, was that paid in June 1772, that ships books are made up in course, in order of time, and that he believes it may be near three years more, before all the ships books in Sir Gilbert Elliot's treasurership can be made up.

That he remembers, when Sir John Rushout was displaced from his treasurership, he refused to carry on any payment, and, in consequence, all the ships books in his time were abstracted, and the names of those men who had not received their pay were taken out, and entered in a book, which was called the abstract of that ship's book. This work took, as he believes, about eight or nine months to perform, and nothing could be paid in the mean time on any one book, until the abstract of such book was completed.

'That when the books are finally closed, he makes up the voluntary charge of the pay branch.

That the voluntary charge for the last half year of Mr. Grenville's treasurership is just finished, and the first year of the voluntary charge of Lord Barrington's treasurership is drawn out, and part of the second year is nearly finished.

That the reasons why these accounts are so far in arrear, are, the great labour there is in making them up, and the great quantity of current business in the office, for the being of the same clerks to make up the accounts of former treasurers, and to carry on the present business of the office.

Guy Carleton, ADAM JELLICOE.
A. P[illegible]gott,
Geo. Drummond,
Sam. Beachcroft.

No. 7.

The further Examination of Mr. Adam Jellicoe, *taken upon Oath, the 18th December* 1780.

THIS examinant saith, The ships books of Sir Gilbert Elliot's treasurership, that are still open for claimants, are five hundred and six, payments are made upon these books once a week to those persons who apply, out of the money in the hands of the representative of Sir Gilbert Elliot, on the head of wages.

The sum of two thousand one hundred and seventy pounds nineteen shillings and nine pence three farthings, mentioned in the return made by Sir Gilbert Elliot to this board, dated the 16th of October last, on the head of wages, being nearly exhausted, the navy board, about five weeks ago, required the treasurer to crave from the treasury five thousand pounds as a supply, to pay claims in the treasurership of the late Sir Gilbert Elliot; which sum was obtained, and assigned by bill from the navy board upon the present treasurer, for payment to the representatives of Sir Gilbert Elliot, on the head of wages.

The

The navy board do not direct the payment of wages out of any other fund in the hands of the treasurer, than that under the head of wages; and that fund is applicable to the payment of wages only.

The sums under the heads of half pay, and bounty to chaplains, are applicable to any demands that may be made for those services upon the late treasurers, in like manner as the sum under the head of wages.

ADAM JELLICOE.

Guy Carleton,
T. Anguish,
A Piggott,
Rich Neave,
Sam Beachcroft,
Geo. Drummond.

No. 8.

The further Examination of Mr. Adam Jellicoe, *taken upon Oath, the 19th February 1781.*

THIS examinant saith, That when the time is come for paying a ship's wages, the captain sends his ship's book to the navy board, where it is examined and corrected by the muster books, and the wages of those officers who have been paid, and of those men who are upon that book, and have been paid, either upon being turned over to other ships, or becoming unserviceable, or being dead, are marked off, the book is then returned to the commissioners office at the port where the ship is to be paid, the captain settles the day of payment with the commissioner, and for this service money is sent down by the treasurer to his pay clerks at that port, in pursuance of a minute of the navy board made for that purpose, a copy of which is sent to the treasurer. This book, after the day of payment is over, remains in the pay office at the port, for the purpose of carrying on recalls, until the navy board orders it to the office in London, to be made up, and those books at the pay office, which are not actually making up, are still open for recalls. All payments after the fixed day of payment are stiled recalls.

The half pay lists open in a treasurership, continue to be paid upon by the treasurer, after he is out of office, until they are made up, which is usually done after the ships books are closed. None of Sir Gilbert Elliot's half pay lists are as yet made up.

ADAM JELLICOE.

T. Anguish,
A Piggott,
Sam Beachcroft,
Geo Drummond.

No. 9.

The Examination of Mr. Francis Cooke, *Ledger Writer in the Cashier's Branch, under the Treasurer of the Navy, taken upon Oath, the 2d of Nov. 1780.*

THIS examinant saith, That he is one of the ledger writers in the cashier's branch, under the treasurer of the navy.

That it is a part of his business to see that the navy ledgers are made up, and, after they are examined and signed by the navy board, to send them to the auditor's office.

 That

That Lord Howe's navy and sick and hurt sections, to the end of the year 1679, are all sent to the auditor's office; the abstracts for those years are in the pay office, and he believes are finished; the sections for the year 1770, which is the final account, are in great forwardness. He believes the abstracts of Lord Barrington's ledgers are not yet finished.

That the sections of Sir Gilbert Elliot's navy and sick and hurt ledgers, for the years 1771 and 1772, were sent into the auditor's office in December 1774; those for the next four years are all finished, and signed by the navy board, but not sent to the auditor's office, because it is needless, as there are so many there not passed, and as the abstracts are none of them finished.

That the sections of Mr Ellis's navy and sick and hurt ledgers, for the years 1777 and 1778, are finished, signed by the navy board, and sent to the auditor's office; those for the year 1779, are now under examination at the navy office.

Guy Carlton, FRAN. COOKE.
T. Angush,
Sam. Beachcroft,
Geo. Drummond.

No. 10.

An Account of the several Balances remaining in the Hands of the Persons under-mentioned, at the Time they respectively ceased to be Treasurers of His Majesty's Navy; viz.

					£.	s.	d.
Mr. Grenville's 2d treasurership, succeeded by Lord Barrington the 2d June 1762							
Paymaster's balance,	30th June 1762	10[illegible]4[illegible]8	3	2¾			
Cashier's do.	14th June 1762	8[illegible]158	9	5			
Victualling do.	do.	46049	14	5¼			
					234036	7	1
Lord Barrington's treasurership, succeeded by Lord Howe the 9th August 1765.							
Paymaster's balance,	31st August 1765	54[illegible]89	5	4½			
Cashier's do.	14th	4[illegible]77	1[illegible]	8¼			
Victualling do.	do.	36[illegible]19	19	11¼			
					[illegible]3[illegible]886	19	—½
Lord Howe's treasurership, succeeded by Sir Gilbert Elliot the 19th March 1770.							
Paymaster's balance,	31st March 1770	41[illegible]8	5	—½			
Cashier's do.	do.	[illegible]18	4	9			
Victualling do.	do.	9[illegible]	4	3			
					78840	14	—½
Sir Gilbert Elliot's treasurership, succeeded by Mr. Ellis the 12th June [illegible].							
Paymaster's balance,	30th June 1777	41[illegible]53	12	11½			
Cashier's do.	1[illegible]th	63[illegible]7	18	1¾			
Victualling do.	do.	20638	1	11			
					131719	13	—¼

Taken from the certificate books remaining in this office.

Pay Office 17th October, 1780. ANDREW DOUGLAS.

No.

No. 11.

An Account of the Time when the last Ship's Book was made up in the Treasurerships of Mr. Grenville, *Lord* Barrington, *and Lord* Howe.

THE last book in Mr. Grenville's treasurership, was made up in February 1771, the half pay lists, lists of officers, lists for seamen removed from one ship to another, &c. were all made up in September 1771.

The last book in Lord Barrington's treasurership, was made up in October 1775; and all the lists, &c. were completed in February 1776.

The last book in Lord Howe's treasurership, was made up in March 1778; and the lists, &c. were finally closed in September 1778.

The number of ships books paid in the treasurership of the right honourable Welbore Ellis, to the 31st August 1780, amounts to 824.

Treasury-Office of the Navy, 13*th February* 1781. ADAM JELLICOE.

No. 12.

A State of the late Right Honourable George Grenville's *Balance, as Treasurer of the Navy, at the following Periods:*

		£.	s.	d.
On the 31st December	1762	68640	—	11½
	1763	37681	11	7½
	1764	33590	15	9½
	1765	21514	3	10½
	1766	16049	18	7½
	1767	13961	15	8½
	1768	15157	7	2½
	1769	14235	18	5½
	1770	26528	17	7½
	1771	26294	8	11½
	1772	26145	10	8½
	1773	25913	13	[illegible]
	1774	14899	6	6
	1775	13210	11	11
	1776	15146	10	—½
	1777	12360	7	8½
On the 30th September	1780	12360	3	4½

14 February 1781. GEO. SWAFFIELD.

No. 13.

An Account of the Balance remaining in the Hands of the Right Honourable Lord Viscount Barrington, *at the End of every Year, since he ceased to be Treasurer of the Navy. Prepared in pursuance of a Requisition from the Commissioners of Public Accounts, dated 23d Instant,* viz.

		£.	s.	d.
At the end of the year	1765	49798	4	6½
	1766	31201	2	1½
	1767	20448	19	11

		£.	s.	d.
At the end of the year	1768	19938	18	8¼
	1769	18940	2	9¼
	1770	22974	2	4¼
	1771	15788	6	10¾
	1772	13574	17	10¼
	1773	13112	2	2¼
	1774	14599	2	2¼
	1775	14134	14	11¼
	1776	14134	14	11¼
	1777	14026	6	7¼
	1778	13766	11	2¼
	1779	13763	7	1¼
	1780	13027	8	7¼

26th February 1781. GEO. SWAFFIELD.

No. 14.

An Account of the Balance remaining in the Hands of the Right Honourable Lord Viscount Howe, *at the End of every Year, since he ceased to be Treasurer of the Navy. Prepared in pursuance of a Requisition from the Commissioners of Public Accounts, dated the 23d Instant*; viz.

		£.	s.	d.
At the end of the year	1770	45939	5	5½
	1771	43273	13	—½
	1772	39679	18	—½
	1773	36816	3	9½
	1774	36905	17	—¼
	1775	36070	2	2¾
	1776	35899	12	4¾
	1777	29151	3	10¾
	1778	29133	9	4¾
	1779	23130	13	7¼
	1780	18133	—	2¾

26th February 1781. GEO. SWAFFIELD.

No. 15.

An Account of the Balance remaining in the Hands of the late Right Honourable Sir Gilbert Elliot, *Baronet, at the End of every Year, since he ceased to be Treasurer of the Navy. Prepared in pursuance of a Requisition from the Commissioners of Public Accounts, dated the 23d Instant*; viz.

		£.	s	d.
At the end of the year	1777,	44,186	6	6¾
	1778,	30,068	13	9½
	1779,	29,076	9	3
	1780,	29 488	7	0½

26th February, 1781. GEO. SWAFFIELD.

No.

No. 16.

The Examination of the Right Honourable Earl Temple, *taken upon Oath the 2d of November* 1780.

HIS Lordship saith, That the sum of twelve thousand three hundred and sixty pounds three shillings and four pence three farthings, mentioned in the return, made by him to the board on the 13th of October last, is, to the best of his knowledge and belief, the whole balance remaining in his hands, as personal representative of the right honourable George Grenville, as late treasurer of the navy.

That he knows of no other public services to which the sum in his hands is applicable, except the services for which it was granted, and the fees of passing the accounts.

That it would be his most earnest wish, to be allowed to pay it into the exchequer, upon two months notice, and having his quietus.

Guy Carleton, NUGENT TEMPLE.
T. Anguish,
A. Piggott,
Geo. Drummond.

No. 17.

The Examination of the Right Honourable Lord Viscount Barrington; *taken upon Oath, the 7th of November* 1780.

HIS lordship saith, That the sum of thirteen thousand seven hundred and sixty-three pounds seven shillings and one penny three farthings, mentioned in the return made by him to this board upon the 21st September last, is, to the best of his knowledge and belief, the whole balance then remaining in his hands, as late treasurer of the navy.

That he knows of no other public service to which this sum is applicable in his hands, except the services for which it was granted, and the fees of passing his accounts.

That he has no objection to pay the balance into the exchequer, when he can do it consistent with his own safety, as an accountant to the public.

T. Anguish, BARRINGTON.
Sam. Beachcroft,
Geo. Drummond.

No. 18.

The Examination of the Right Honourable Lord Viscount Howe; *taken upon Oath, the 9th of November* 1780.

HIS lordship saith, That the sum of twenty-three thousand one hundred and six pounds eleven shillings and five pence three farthings, mentioned in the return made by him to this board upon the 10th August last, is, to the best of his knowledge and belief, the whole balance then remaining in his hands as late treasurer of the navy.

That

That the above balance is solely applicable to the services specified in the said return.

That he is ready to pay the above balance into the exchequer, when so required.

T. Anguish,
Sam. Beachcroft,
Geo. Drummond.

Howe.

No. 19.

The Examination of Sir Gilbert Elliot, *Baronet; taken upon Oath, the 3d of November* 1780.

THIS examinant saith, That the sum of twenty-seven thousand five hundred and sixty-three pounds sixteen shillings and one penny, mentioned in the return

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No. 20.

State of the Right Honourable Welbore Ellis's *Account, as*

Receipts and payments in the paymaster's

		£.	s.	d.
1780.				
August 1st.	To balance of account, dated 31st of July 1780 - - -	95650	00	5¼
3d.	To cash received to pay ships and carry on recalls - - -	40000	00	00
25th.	To ditto - -	40000	00	00
29th.	To ditto - -	40000	00	00
		215650	00	5¾

IN THE CASHIER'S

		£.	s.	d.
1780.	To balance of account, dated 31st July 1780 - -	135136	16	10¾
August 3d.	To cash received at the exchequer, on the head of wages, to pay ships and carry on recalls - -	40000	00	00
4th.	To ditto, to pay bills of exchange and imprests victualling - -	17000	00	00
	to pay necessary money, extra-necessary, and contingencies -	5000	00	00

7th. To

return made by his direction to this board on the 16th of October last, is, to the best of his knowledge and belief, the whole balance of public money then remaining in his hands, as the personal representative of the right honourable Sir Gilbert Elliot, as late treasurer of the navy.

That he knows of no other public services to which this sum is applicable in his hands, except the services for which it was granted and the fees of passing his accounts.

That he has no objection to pay the balance into the exchequer, upon having his quietus.

Guy Carleton,
T. Anguish,
Sam. Beachcroft,
Geo. Drummond.

GILBERT ELLIOT.

Treasurer of the Navy, for the Month of August 1780.

branch, between the 1st and 31st August 1780.

		£.	s.	d.
1780.				
August.	By cash paid for wages this month	67123	16	3½
	Yards	30824	6	2
	Half pay	1177	4	3
		99125	6	8½
	Balance 31st August 1780	116524	13	9½
		215650	00	5½

	£.	s.	d.
For wages	110281	7	9
yards	1290	4	4
Half pay	4805	8	2½
Bounty to chaplains	147	13	6
	116524	13	9½

BRANCH.

		£.	s.	d.	£.	s.	d.
1780.							
August.	By perfect bills paid	594174	15	10			
	By imprest bills paid	157910	2	6			
					752084	18	4
	By perfect bills, sick and hurt, paid	13762	15	5			
	By imprest bills, sick and hurt, paid	19950	2	7			
					33712	18	00

		£.	s.	d.
1780. August 7th.	To received at the exchequer, to pay three months course, ending 30th of September 1778, with interest due thereon; viz. £. s. d.			
	On the head of wear and tear 435640 00 0			
	wages 42259 3 4			
	transports 129770 00 0			
	victualling 311744 00 0	919413	3	4
	£. 600000 In exchequer bills.			
	319413 3 4 In money.			
	919413 3 4			
10th.	To cash received at the exchequer, on the head of wear and tear, to pay imprests and bills of exchange	36000	00	00
14th.	To cash of sundries, towards clearing imprests - -	44	10	1
	To sundry abatements out of perfect bills	246	8	2
	To sundry abatements and bills taken in to clear imprests	87394	18	2
19th.	To cash received at the exchequer for the following services:			
	To be impressed to Gabriel Steward, paymaster of marines £. 6000 On the head of wear and tear.			
	To pay fees at the exchequer, and other contingencies of the pay office - - £. 3000 On the head of wages.			
	To pay flag pay, bounty money, &c. 15000			
	To pay bills for pilotage 2000			
	To pay for subsistence of French officers and seamen 8000			
	25000	34000	00	00
25th.	To received at the exchequer, to pay ships and carry on recalls	40000	00	00
29th.	To received at the exchequer, to pay ships and carry on recalls	40000	00	00
31st.	To cash received of sundries towards clearing imprests	276	00	7
	To cash received of sundries for new and old stores - -	2819	17	10
	To sundry abatements out of perfect bills	122	6	6
	To sundry abatements and bills taken in to clear imprests - -	35059	15	2
		£. 1392513	16	8½

IN

1780.

	£.	s.	d.
Aug. 3d. By cash issued to the paymaster, on the head of wages, to pay ships and carry on recalls	40000	00	00
4th. By cash issued to Mr. Swaffield, on the head of victualling, to pay bills of exchange and imprests - - -	17000	00	00
By do. to do. for necessary, extra-necessary money, and contingencies - -	5000	00	00
7th. By issued to do. on the head of victualling, to pay three months course, ending 30th Sept. 1778, with interest due thereon	311744	00	00
£. 294000 00 00 In exchequer bills.			
107744 00 00 In money.			
311744 00 00			
25th. By issued to the paymaster, to pay ships and carry on recalls - -	40000	00	00
29th. By issued to do. to pay ships and carry on recalls	40000	00	00
Balance	152972	00	4¾
	£. 1392513	16	8¾

Whereof	£.	s.	d.
In the bank -	117429	11	5
Money and premiums	4077	5	2
Mr. Slade's hands	25738	7	6¼
Exchequer fees	5726	16	3
	£. 152972	00	4¾

IN THE VICTUALLING

			£.	s.	d.
1780. August,		To balance of account, dated 31st July 1780 - - -	60579	11	3½
	4th.	To cash received at the exchequer, to pay bills of exchange and imprests	17000	00	00
		To do. received at do. to pay necessary, extra-necessary money and contingencies	5000	00	00
	7th.	To received at the exchequer in exchequer bills - £. 204000 00 00 In money 107744 00 00 To pay three months course, ending 30th September 1778, with interest due thereon - -	311744	00	00
	31st.	To cash received of sundries for old stores, offall, &c. sold - -	4925	13	1¼
		To sundry abatements out of perfect bills	123	18	6½
		To sundry abatements, and bills taken in to clear imprests - -	29302	19	10
			£. 428676	2	9¼

No. 21.

The Examination of the Right Honourable Welbore Ellis, *Treasurer of the Navy; taken upon Oath, the 8th and 10th of November* 1780.

THIS examinant saith, That all sums of money received by the treasurer of the navy from the exchequer, are issued to him under distinct heads of services, and that he is strictly forbid, by his instructions, to transfer sums issued on one head of service to any other head of service; if the sum granted for one service be nearly exhausted, a supply for that service must be procured, though he has large sums in his hands under other heads of services.

That no demand on the treasury moves originally from the treasurer of the navy, independent of the navy, victualling, and sick and hurt boards, except the sums requisite for the payment of exchequer fees, and other contingencies at the pay office.

When the sum received for any other particular head of service is nearly exhausted, a letter comes from the navy, victualling, or sick and hurt boards, each for their respective departments, to the treasurer, requiring him to present a memorial to the lords of the treasury, specifying the sums required, distinguished under particular heads of services; that thereupon a memorial is drawn up, according to the exact words of the letter, and, together with the

BRANCH.

		£.	s.	d.
1780. August.	By paid perfect bills, &c.	349022	5	8
	By paid to pursers of his majesty's ships in ordinary, on quarterly bills assigned for payment	208	19	7
		349231	5	3
	Balance	79444	17	6¼
		£. 428676	2	9¼

Remaining	£.	s.	d.
In the hands of right honourable Welbore Ellis	49549	15	3
Do. of Mr. Swaffield	29895	2	3¼
	79444	17	6¼
Balance of the pay branch	116524	13	9½
of the cashier's do.	152972	00	4¾
of the victualling do.	79444	17	6¾
Total balance	£. 348941	11	9

the letter, is presented by the paymaster to the treasury; who direct the issue exactly in the form of the memorial.

That the paymaster, on the receipt of the money, immediately certifies the whole to the navy board; and the respective parts which regard the victualling and sick and hurt boards, to them also.

That the navy board has full knowledge of the receipt and expenditure of the money in the hands of the treasurer; of the receipt, by these certificates; of the expenditure, by their own books, in which are entered every bill, order, or assignment, given on the treasurer for payment, under the respective heads of service; and by the accounts which the treasurer transmits to the navy board once a fortnight, on the head of victualling and cashier's branch, and once a month on the pay branch. These accounts are compared with, and must agree exactly with their own books; and from thence must appear the balances on each respective head of service.

That he does not know of any rules which govern the navy board in their direction to him to apply to the treasury for money, except their knowledge of the actual or approaching services, and of the exact state of the balance in his hands under each head.

That, upon application to the lords of the treasury for a supply of money, they do not, to his knowledge, examine into the state of the balance in the hands

hands of the treasurer; but he is informed, and believes, that they have an exact account of it, by the means of a paper transmitted monthly from the navy board, containing an account of the cash received by the treasurer, and the assignments made upon him by the several boards for payment.

That, to the best of his knowledge and belief, the several sums of one hundred and sixteen thousand five hundred and twenty-four pounds thirteen shillings and nine pence halfpenny, in the paymaster's branch; of one hundred and fifty-two thousand nine hundred and seventy-two pounds and four pence three farthings, in the cashier's branch, and of seventy-nine thousand four hundred and forty four pounds seventeen shillings and sixpence three farthings, in the victualling branch, making together three hundred and forty-eight thousand nine hundred and forty-one pounds eleven shillings and nine pence, mentioned in the returns made by his order to this board on the 31st of August last, was the whole balance for which he was then accountable to the public as treasurer of the navy.

That of this balance, the sum of twenty thousand two hundred and two pounds seventeen shillings and eleven pence farthing was in the hands of Mr. Taylor, pay clerk at Portsmouth; the sum of thirty-seven thousand and sixty-one pounds fifteen shillings and seven pence, in the hands of Mr. Lynch, pay clerk at Plymouth, and the sum of three thousand eight hundred and five pounds thirteen shillings and four pence halfpenny, in the hands of Mr. Malpas, pay clerk at Chatham, which sums were, at that time, balances remaining in their hands of sundry payments ordered by the navy board for the use of those ports. that there was in the hands of Mr Jellicoe, six thousand one hundred and twenty-four pounds six shillings and seven pence three farthings, for the purpose of paying wages, ships, and recalls; in the hands of Mr. Slade, twenty-five thousand seven hundred and thirty eight pounds seven shillings and sixpence three farthings, and four thousand and seventy-seven pounds five shillings and two pence, in money and premiums, making together twenty-nine thousand eight hundred and fifteen pounds twelve shillings and eight pence three farthings, for the purpose of carrying on the payments of three months course of the navy and other bills, in the hands of Mr. Swafield, twenty-nine thousand eight hundred and ninety five pounds two shillings and three pence three farthings, for the purpose of carrying on the payments of three months course of the victualling and other bills, which were the reasons why such large sums were permitted at that time to be in their hands: and in the hands of Mr. Douglas, five thousand seven hundred and twenty-six pounds sixteen shillings and three pence, for carrying on the payments of exchequer fees and contingencies: which sums, amounting together to the sum of one hundred and thirty-two thousand six hundred and thirty-two pounds four shillings and ten pence, reduces the above balance to two hundred and sixteen thousand three hundred and nine pounds six shillings and eleven pence.

That this balance is only applicable, in his hands, to the respective services for which it was issued.

That, in his issues of money to the chief clerks in the different branches, to carry on the current services, he is guided by their requisition; which, in the cashier and victualling branches, is formed upon the amount of the daily assigned lists, transmitted from the different boards to the respective departments in

in the treasurer's office; which lists contain a particular account of all bills assigned on that day for payment; and in the pay branch, by a conjecture formed of the demands which may probably be made for paying of ships, carrying on recalls, payment of the yards, and of half pay.

That bills assigned by the several boards, in their respective departments upon the treasurer of the navy for payment, are not always presented to him immediately after such assignment; on the contrary, they are frequently, by the various accidents of death, litigation, trusts, and executorships, the absence or convenience of the proprietors, not presented for payment until a considerable length of time afterwards.

That he does not know what part of the above balance of two hundred and sixteen thousand three hundred and nine pounds six shillings and eleven pence had been assigned by the several boards for payment on the 31st of August last; but that, by the monthly certificate sent by the navy board to the treasury for that month, it will appear what assignments had been made, and of what parts that balance is compounded.

W. ELLIS.

Guy Carleton,
T. Anguish,
A. Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 22.

The Examination of Timothy Brett, *Esquire, One of the Commissioners of the Navy, and Comptroller of the Treasurer of the Navy's Accounts, taken upon Oath, the 29th and 30th of November 1780.*

THIS examinant saith, that he is comptroller of the treasurer of the navy's accounts.

That the navy board transmit every month to the treasury a certificate of the receipts and payments by the treasurer of the navy, under the respective heads of services.

That the victualling and sick and hurt boards send the like accounts to the navy board, which they include in their certificate, to the intent the treasury may have full knowledge of the sums, under their several heads, in the hands of the treasurer of the navy. The navy board has the same knowledge, from the certificate sent them by the treasurer every fortnight.

That the navy board desire the treasurer to apply to the treasury for such sums, and for such services, and at such times, as they, from their knowledge of the demands for those services, judge will be wanted.

That the difference between the treasurer's balance and the navy board balance, in the hands of the treasurer, on the 31st August last, in the cashier's branch, arises from bills assigned by the navy board upon him for payment, and not presented to him.

That upon the back of every bill assigned upon the treasurer for payment, is indorsed out of what fund it is to be paid.

4 That

That in the cashier's branch, assignments are continually making by the navy and sick and hurt boards, for payments out of the several funds which constitute the balance appearing to be in the treasurer's hands in that branch; and in the pay branch, the navy board are continually making assignments of tickets for payments, and directing payments of ships, for which there were open, on the 31st of August, eight hundred books and upwards.

That part of the fund of old stores is appropriated for certain payments, and the navy board reduces the remainder, from time to time, by their assignments, as they in their discretion think proper.

That as to the sum of thirty-six thousand pounds, which appears to be received in the cashier's branch on the 10th of August, and no part of it to be paid away in that month, the treasury was applied to for that sum on the 8th, and issued it upon the 10th; whereas it frequently happens, that the sum is not issued until eight or ten days after it is applied for; and it appears that in the next month this whole sum, and seventeen thousand eight hundred pounds and upwards of another sum of thirty-six thousand pounds, was paid away for the same service.

Guy Carleton, T. Brett.
T. Anguish,
A. Piggott,
Sam. Beachcroft.
Geo. Drummond.

No. 23.

The Examination of John Slade, *Esquire; One of the Commissioners of the Victualling Office; taken upon Oath, the 5th of December* 1780.

THIS examinant saith, that the difference between the treasurer's balance and the victualling board balance, in the hands of the treasurer, on the 31st of August last, in the victualling branch, arises from the bills assigned by the victualling board upon him for payment, and not presented to him; they are outstanding bills, payable at sight, remaining in the hands of the proprietors.

The treasurer never asks for money, in the victualling branch, but by direction of the victualling board; when the comptroller of the treasurer's accounts finds a fund nearly exhausted, he informs the board of it, and, in consequence of that information, they direct the treasurer to solicit a supply for that fund.

The sums received by the treasurer, are kept under a variety of heads of service; the bills assigned under these heads of service are kept quite distinct, and bills under one head of service are never assigned upon a fund under another head of service, except in the case of old stores, upon which fund bills under any other head are assigned, according as they may be wanted. The fund of old stores arises from the sale of decayed stores in the victualling branch, and the board directs the treasurer to receive from the purchasers the sums those stores are sold for.

As

As to the sum of seventeen thousand pounds to pay imprest and bills of exchange, appearing in the navy certificate to have been obtained on the 4th of August, and no part of it exhausted at the end of the month, it appears from the account of the chief clerk of the comptroller, that this sum was applied for on the 21st of July, and received so soon after as the 4th of August, whereas the treasury frequently do not issue the sum applied for until ten days or a fortnight afterwards. When that sum was applied for, bills of exchange to that amount, or the cabouts, had been presented to and accepted by the board; and it appears that a great part of them were paid the beginning of September. Bills of exchange are presented to the board every day for acceptance.

Guy Carleton, J. SLADE.
T. Anguish,
A. Piggott,
Geo. Drummond.

No. 24.

The Examination of John Bell, *Esquire, one of the Commissioners of the Sick and Hurt Office; taken upon Oath, 1st December 1780.*

THIS examinant saith, That when a supply of money is wanted for the service of the sick and hurt office, the board, by letter, desire the treasurer of the navy to apply to the treasurer for such a sum as they, to the best of their judgment, think will be wanted under each particular head of service, which sums they endeavour to render as small as possible; out of these sums the board assign bills upon the treasurer for payment, which bills are payable at sight, and it is directed upon each bill out of what sum it is to be paid. Each head of service is kept as distinct as possible, both as to the bills assigned, and the funds out of which they are to be paid.

The board takes care that the treasurer has constantly in his hands a sum, in each branch of service, sufficient to answer the probable demands upon him for that branch.

Guy Carleton, J. BELL.
T. Anguish,
A. Piggott,
Rich. Neave,
Geo. Drummond.

No. 25.

See the annexed Table.

Navy Office, 31st August 1780.

An Account of the Money certified by the Treasurer of the Navy's Navy Board, and Wages paid by him to Ships and Yards, the 1st and 31st of August 1780.

	Whereby he is	Dr.		
1780.		£.	s.	d.
July 31st.	To balance then remaining -	95650	00	5¼
August 3d.	To cash received, to pay ships and carry on recalls - -	40000	00	00
25th.	To ditto - - -	40000	00	00
29th.	To ditto -	40000	00	00
	£.	21565	00	5¼

Paymaster, to be received by him; with the Assignment of Bills from the as also such other Payments as are mentioned in his Certificate thereof, between

Per Contra	Cr. £.	s.	d.
By assignments from the navy board on bills			
By ditto on tickets or lists for ships before they are paid	20605	2	2
By ditto after they are paid	54	4	00
By ditto for yards before they are paid			
By ditto after they are paid	44	10	11
By payments for wages to ships, ordered to be paid	42836	3	6½
By ditto by recalls			
By ditto to widows and relations of registered seamen			
By ditto to yards, Deptford			
By ditto, Woolwich			
By ditto, Chatham			
By ditto, Portsmouth			
By ditto, Sheerness			
By ditto, Plymouth	30745	6	5
By ditto, Kinsale			
By ditto, Harwich			
By ditto, remittance bills	1926	3	8
By payments of bounty to seamen that enter themselves voluntarily into the service			
By ditto of half pay to sea officers	1177	4	3
By payments made by the paymaster, according to his certificates, viz.			
Ministers 4*d.* abated on ships books	222	17	9
Ditto on yard books	21	3	11
By ditto, viz. chirurgeons 2*d.* abated on venereal cures	222	18	10
By ditto, viz. ditto on ships books	346	3	1
By ditto, viz. ditto on yard books	57	15	10
By ditto, viz. ditto on slop cloaths			
By ditto, for abatement on ships books for dead men's cloaths	201	16	1
By ditto, for ditto for tobacco	663	16	3
By ditto, for ditto, for chest at Chatham			
By ditto, for ditto, for Greenwich Hospital			
	99125	6	8½
Balance	116524	13	9½
£.	215650	00	5½

Of the above balance remains for	£.	s.	d.
wages	110281	7	9
Of ditto for yards	1290	4	4
Of ditto for half pay	4805	8	2½
Of ditto for bounty to chaplains	147	13	6
£.	116524	13	9½

C. MIDDLETON, J. WILLIAMS, T. BRETT, G. MARSH.

Navy Office, 31st August 1780. *An Account of the Monies certified by the treasurer of the Navy's otherwise; with the Payments made by him pursuant to the of August* 1780.

The Treasurer, Dr.

1780.		£.	s.	d.
August. 1st.	To balance of the preceding account -	33773	5	4½
	To received of William Painter, for sweepings sold by him between 1st July and 30th September 1779 -	1	16	00
2d.	Ditto of James Young, for chips, sold between 1st July and 30th September 1779	4	6	2
	Ditto of Charles Frankland, for grains, do. and do. - -	210	16	6
6th.	Received in money out of the sinking fund, *anno* 1780 — to pay bills of exchange and imprests - £. 17000 00 00 — to pay necessary, and extra-necessary money, and contingencies - 5000 00 00	22000	00	00
7th.	Received in exchequer bills for the service of the year 1780, and charged upon the first supplies to be granted for the year 1781 - £. 204000 00 00. In money out of the sinking fund, *anno* 1780 107744 00 00	311744	00	00
	To pay three months course, ending 30th September 1778, with interest due thereon			
11th.	To received of sundry persons for old staves, &c. sold by public sale, between 3d December 1778, and 30th September 1779 - - -	4708	14	5¾
30th.	To received of John Knowls, of his Majesty's hired transport Admonition, he being so much debtor in the balance of his account for victualling soldiers between 16th February 1775, and 18th January 1779 - -	81	00	11
	To over assigned, 5th July 1780 -	34	00	00
		£. 372557	19	5¼

Caſhier for the Victualling, to be received by him from the Paymaſter, or Warrants of the Commiſſioners of the Victualling, between the 1ſt and 31ſt

Per Contra,		Cr. £.	s.	d.
By perfect bills aſſigned in this month	- -	314027	14	$1\frac{1}{2}$
By bills of Exchange and impreſts ditto	- -	5220	6	00
	Balance	53309	19	$3\frac{3}{4}$
	£.	372557	19	$5\frac{3}{4}$

The aforeſaid balance remains out of the following funds, viz.

£.	s.	d.		£.	s.	d.
1000	00	00	Received 1ſt July 1779, in money, out of contributions to annuities *anno* 1779, to pay ſhort allowance	450	00	00
19158	6	11	Received 15th June 1780, out of do. fund *anno* 1780, to pay officers, labourers, &c. -	366	4	4
61000	00	00	Received 24th May 1780, out of do. fund to pay bills of exchange, &c.	34	00	00
19500	00	00	Received 5th July 1780, out of do. to pay do - -	2813	9	$7\frac{1}{4}$
12000	00	00	Received 5th July 1780, out of do. to pay neceſſary money -	3024	12	3
17000	00	00	Received 4th Auguſt 1780, out of the ſinking fund *anno* 1780, to pay bills of exchange, &c. -	17000	00	00
5000	00	00	Received 4th Auguſt 1780, out of do. to pay neceſſary money -	5000	00	00
311744	00	00	Received 7th Auguſt 1780, in money and exchequer bills, to pay bills in courſe - -	2689	8	$00\frac{3}{4}$
21932	5	$00\frac{3}{4}$	Received of Mr. Oakes and others being old ſtore money -	21932	5	$00\frac{3}{4}$
			£.	53309	19	$3\frac{3}{4}$

CHA. MIDDLETON, J. WILLIAMS, T. BRETT, GEO. MARSH.

A STATE

No. 26.

A STATE and Diſtribution of the Balance in the Hands of the Right honourable Welbore Ellis, as Treaſurer of the Navy, upon the 31ſt of Auguſt 1780.

Branch.	Treaſurer's Balance. £.	s.	d.	Navy Board Balance. £.	s.	d.
In the pay branch	116524	13	9½	116524	13	0½
In the caſhier's	15272	00	4¼	90881	8	7
In the victualling	79444	17	6¾	53309	19	3¾
£.	348941	11	9	260716	1	8¼
Difference	00	00	0	88225	10	0¾
				£. 348941	11	9

Branch. In the pay branch.	£.	s.	d.			
At the following ports, purſuant to orders of the navy board						
At Portſmouth	20202	17	11¼			
At Plymouth	37061	15	7			
At Chatham	3805	13	4½			
In Mr Jellicoe's hands, Lond. to pay ſhips	6124	6	7¾			
				67194	13	6½

In the cashier's.

Difference between the treasurer's and the navy board balance -	62090	11	9¾			
In the hands of Mr. Slade to pay the course - -	25738	7	6¾			
And under the head of money and premiums - -	4077	5	2			
In the hands of Mr. Douglas, under the head of exchequer fees, &c.	5726	16	3			
				97633	00	9½

In the victualling.

Difference between the treasurer's and the navy board balance -	26134	18	3			
In the hands of Mr. Swaffield, to pay the course - - - -	29895	2	3¾			
				56030	00	6¾
				220857	14	13¾
Balance in the treasurer's hands, under various heads of services - -				128083	16	10¼
			£.	348941	11	9

No. 27.

State of the Right Honourable Welbore Ellis's *Account, as*

Receipts and payments in the paymaster's

Date	Particulars	£	s.	d.
1780. Sept. 1st.	To balance of account, dated 31st Aug. 1780	116524	13	9½
20th.	To cash received to pay ships and carry on recalls	40000	00	00
	To ditto to pay one quarter's wages to the yards, ending 30th June 1780	12[illegible]00	00	00
		283224	13	9½

IN THE CASHIER'S

Date	Particulars	£ s. d.	£ s. d.	£	s.	d.
1780. Sept. 1st.	To balance of account, dated 31st Aug. 1780			152972	00	4¾
	To cash received at the exchequer, for the services following:					
	On the head of wear and tear.					
	To pay the agents for neutral ships, for value of their cargoes, and expences of their detention		10000 00 00			
	On the head of wages.					
	To pay for medicines, bedding, provisions for hospitals, and hospital ships	15000 00 00				
	To pay for subsistence, &c. of French prisoners and seamen detained in England	5000 00 00				
	To pay for subsistence, &c. of rebel prisoners	1500 00 00	21500 00 00			
				31500	00	00
14th.	To cash received of sundries, towards clearing imprests			14	2	00
	To cash received for stores sold			134	12	3
	To sundry abatements and bills taken in to clear imprests			9065	16	1½

Sept.

Treasurer of the Navy for the Month of September 1780.

Branch, between the 1st and 30th September 1780.

1780.		£.	s.	d.
Sept.	By cash paid for wages this month	63963	7	8
	yards	29357	12	4½
	half pay	1441	7	7
		94761	7	8½
	Balance the 30th September 1780	188463	6	1
		283224	13	9½

	£.	s.	d.
For wages	86318	00	1
yards	98033	11	10½
half pay	3364	00	7½
bounty to chaplains	147	13	6
	188463	6	1

BRANCH.

1780.		£.	s.	d.	£.	s.	d.
Sept.	By perfect bills paid this month	525813	12	3			
	By imprest bills paid this month	195736	4	1			
					721549	16	4
	By perfect bills, sick and hurt, paid this month	9974	7	6			
	By imprest bills, sick and hurt, paid this month	10620	10	3			
					20594	17	9
13th.	By cash paid out of money arisen by the sale of old stores, pursuant to his Majesty's sign manual, for demurrage and expences on account of the detention of the Dutch ship Vrow Judith				99	5	10
15th.	By issued to Mr. Swaffield, on the head of victualling, to pay part of three months course, ending 31st December 1778, with interest due thereon				308050	00	00

£.	s.	d.	
87500	00	00	In exchequer bills.
220550	00	00	In money.
308050	00	00	

		£.	s.	d.	£.	s.	d.
20th.	By cash issued to the paymaster, for the services following:						
	On the head of wear and tear	113100	00	00			
	Ordinary	13600	00	00			
					126700	00	00

1780.
Sept. 15th. To cash received at the exchequer, for the services following:
To pay part of three months course, ending 31st December 1778, with interest due thereon; viz.

	£.	s.	d.			
On the head of wear and tear, transports, wages	572754	9	1¼			
Victualling	308050	0	0			
				880804	9	1¼

£.	s.	d.	
250000	00	00	In exchequer bills.
630796	18	6¼	In money.
7	10	7	Out of duty on gum Senega.
880804	9	1¼	

20th. To cash received at the exchequer, for the services following; viz.
To pay in full three months course, ending 31st Dec. 1778, with interest due thereon;

	£.	s.	d.	£.	s.	d.
On the head of wear and tear, transports, wages	64645	10	10¼			
Victualling	34750	00	00			
				99395	10	10¼

To pay one quarter's wages to the artificers, labourers, &c. of the dock and rope yards, due 24th June last.

	£.	s.	d.			
On the head of wear & tear	113100	00	00			
Ordinary	13600	00	00			
				126700	00	00

On the head of victualling.

To pay the officers, labourers, &c. one quarter's wages, due at Midsummer last	18500	00	00			
To be impressed to Gabriel Steward, Esq. paymaster of marines, on account of the marine service	22000	00	00			
On the head of wages.						
To pay ships and carry on recalls	40000	00	00			
				306595	10	10¼

23d. To cash received at the exchequer on the head of wear and tear; viz.
To pay imprests and bills of exchange 36000 00 00

25th. To cash received at the exchequer for the services following; viz.
On the head of ordinary.
To pay one quarter's salary due to the lords commissioners of the admiralty, the

		£.	s.	d.	£.	s.	d.
1780.	By cash issued to Mr. Swaffield, for the services following.						
	To pay in full three months course, ending 31st December 1778, with interest due thereon	34750	00	00			
	To pay labourers, &c. a quarter's wages, due at Midsummer last	18500	00	00			
					53250	00	00
Sept. 20th.	By cash issued to the paymaster on the head of wages, to pay ships and carry on recalls				40000	00	00
	Carried forward				1270243	19	11

		£	s.	d.	£	s.	d.	£	s.	d.
	commissioners and other officers of the navy, the 29th instant				10000	00	00			
	On the head of wages.									
	To pay flag pay, &c	15000	00	00						
	To pay the commissioners of the sick and hurt office, their secretary, clerks, &c. a quarter's salary, due 29th instant	680	00	00						
	To pay for subsistence, &c. of French officers and seamen detained in England	8000	00	00						
	To pay for subsistence, &c. of Spanish officers and seamen detained in England	5000	00	00						
					28680	00	00			
								38680	00	00
Sept. 30th.	To cash of sundries towards clearing imprests							20	18	4
	To cash received of sundries for old and new stores sold							173	9	1
	To an abatement out of a perfect bill							40	00	00
	To sundry abatements and bills taken in to clear imprests							39971	2	2
								1495072	00	4¼

IN THE VICTUALLING

1780.		£	s.	d.	£	s.	d.
Sept. 1st.	To balance of account, dated 31st August 1780				79444	17	6¼
15th.	To received at the exchequer in exchequer bills	87500	00	00			
	In money	220550	00	00			
	To pay part of three months course, ending 31st Dec 1778, with interest due thereon				308050	00	00
20th.	To cash received at the exchequer for the services following.						
	To pay in full three months course, ending 31st Dec. 1778, with interest thereon	34750	00	00			
	To pay the officers, labourers, &c. one quarter's wages, due at Midsummer last	18500	00	00			
					53250	00	00
30th.	To cash received of sundries for stores and offall sold				58	13	00¾
	To sundry abatements out of perfect bills				429	9	11½
	To sundry abatements, and bills taken in to clear imprests				30418	15	11
					471651	16	5¼

	£.	s.
Brought forward	1270243	19
Balance	225278	00
	1495972	00

BRANCH.

		£.	s.	d.
1780. Sept.	By paid perfect bills, &c.	365496	6	1
	Balance	106155	10	4¼
		471651	16	5

Remaining

	£.	s.	d.
In the hands of right honourable Welbore Ellis	68349	15	3
Do. of Mr. Swafheld	37805	15	1¼
	106155	10	4¼
Balance of the pay branch	188463	6	1
of the cashier's do.	225728	00	5¼
of the victualling do.	106155	10	4¼
Total balance	520346	16	11

No. 28.

Navy-Office, 8th December 1780.

An Account of the Total Sums received and paid by the Treasurer of the Navy, for every Month, from the 1st January 1779 to the 31st August 1780, with the Total of the Balance remaining in his Hands at the End of each Month, as they appear in the Monthly Accounts transmitted by the Navy Board to the Treasury during that Period. Prepared pursuant to a Precept of the Commissioners of Accounts, dated 30th November 1780.

Year.	Months.	Received. £.	s.	d.	Paid £.	s.	d.	Balance. £.	s.	d.
1778	December remaining							199895	8	00¼
1779	January	278331	12	7¼	2[illegible]829	3	4½	191397	17	3½
	February	1195[illegible]	4	4¼	190106	10	9¼	121114	10	10
	March	3[illegible]618	13	2½	21[illegible]841	6	9½	220991	17	3
	April	2480[illegible]	17	3¼	20[illegible]514	4	6¾	205[illegible]33	9	11½
	May	296513	15	3	30[illegible]301	18	7¼	195645	6	6¾
	June	42[illegible]761	4	7¼	[illegible]	16	1	337287	15	1
	July	950[illegible]80	[illegible]6	11¼	1070[illegible]	13	5¾	211[illegible]45	8	6½
	August	15[illegible]431	6	9	18[illegible]374	2	9¾	181802	12	5¼
	September	29[illegible]619	6	5½	22[illegible]612	2	10½	254809	16	00¼
	October	9856[illegible]9	1[illegible]	3½	10[illegible]6797	9	2½	18[illegible]7[illegible]1	19	1¾
	November	1[illegible]550	1[illegible]	11	169024	8	1¼	193228	3	11
	December	4[illegible]9905	1[illegible]	11½	25[illegible]74[illegible]	1	5½	3703[illegible]6	18	5
1780	January	192941	15	10¼	[illegible]74344	8	3¾	[illegible]38984	5	11½
	February	20[illegible]6[illegible]1	1	1[illegible]	22[illegible]511	1[illegible]	9¼	2[illegible]093	14	1¾
	March	28[illegible]612	14	11	206100	7	8½	29[illegible]5[illegible]6	10	4¾
	April	[illegible]791	[illegible]	[illegible]	30[illegible]770	[illegible]	00¼	2[illegible]6541	10	4¼
	May	87[illegible]549	00	8¼	8[illegible]77[illegible]2	1	10¼	260338	9	2¼
	June	3163[illegible]1	1	7½	329[illegible]38	6	1¼	2[illegible]6[illegible]91	4	8
	July	26[illegible]2[illegible]6	00	9½	28[illegible]80	1[illegible]	00¼	234816	8	5¼
	August	11[illegible]9[illegible]4	5	10¼	1113694	12	7¼	260706	1	8¼

CHA. MIDDLETON. J. WILLIAMS. GEO. MARSH. T. BRETT.

No. 29.

An Account of the Public Money issued from the Receipt of the Exchequer, to the following Treasurers of the Navy, by way of Imprest, and upon Account, from the 1st Day of January 1756 to the 30th Day of September 1780.

	£.	s.	d.
George Grenville, Esq. - -	25265282	2	2½
William Lord Viscount Barrington -	9336790	4	00¼
Richard Lord Viscount Howe -	8387744	11	8
Sir Gilbert Elliot, Bart. - -	15952772	6	6¼
Welbore Ellis, Esq. - -	16781217	11	1

Tuesday

February 27 and 28.

No debate.

March 1.

A short debate arose on the third reading of the bill introduced by Mr. Minchin for appointing a commission of the peace to act in cases of riot and insurrection, without having the usual powers of justices conveyed to them by the writ intitled *dedimus potestatem*.

Mr. Bamber Gascoigne.

Mr. *Bamber Gascoigne* said he had some objection to the bill, because though it held out the idea of its being intended only to impower magistrates to act in cases of riot and insurrection, yet the bill was so loosely expressed, and so unguarded, that these justices, without taking the oaths necessary to a *dedimus potestatem*, would be enabled to act in all the situations and all the powers, of the magistrates who had taken these oaths.

Mr. Minchin.

Mr. *Minchin* explained the mistake of the honourable gentleman in this respect, and stated that the magistrate to be appointed under this act could not be entitled to act, but in cases where the common magistrate neglected his duty.

Mr. Turner.

Mr. *Turner* conceived that this new mode of appointing magistrates would not produce the salutary purposes for which it was intended, but it would produce one material inconvenience, for the interference of these new magistrates would disgust those who take upon them the laborious functions of the office, and who in the country are generally men of fortune, character, and respect. He was also apprehensive, that by this act, men of low condition, and suspicious character, might creep into the commission of the peace, and render the magistracy of the country as despicable as that of Westminster.

Sir Grey Cooper.

Sir *Grey Cooper* said, that the bill was put upon very high ground indeed, for it was to prevent the interference of the military power in all cases, superseding the necessity of their interference. This he considered as an improper idea, since undoubtedly occasions might arise, to which nothing but the military power could be adequate.

Mr. Minchin.

Mr. *Minchin* said, it was not the meaning nor the tendency of the bill to say, that the interference of the military would at all times be rendered unnecessary. Its meaning was to prevent the interference of the military power in the manner which we saw it last summer, and that it should never be exerted again unless under the controul and authority of the civil magistrate. In answer to what his honourable friend,

Mr. Turner, had said, that the present magistrates would be offended by the interference of those under the commission; he observed, that they would never interfere, unless when the magistrate failed to do his duty, and in such case an insult would be proper, because it would be merited.

The bill passed.

March 2.

Mr. Robinson (chairman of the committee who tried a petition respecting the election at Bridgewater) reported, that Mr. Poulett and Mr. Ackland were elected, and that Mr. Allen was not elected; upon which, Mr. *Poulett* rose and congratulated the House on the spirit and virtue with which the Grenville act was carried into execution. The gentlemen who sat on the committee, the report of which had just been made, he said, had done themselves great honour by their decision; but he begged leave to observe, that as no evidence had been adduced tending to affect his election, the committee had not declared the petition frivolous and vexatious. He, therefore, could not but consider that some stain remained on his character, and should take the liberty of troubling the House with a few words on the subject.

Mr. Baker Mr. *Baker* called him to order, and said he conceived, as the Grenville act put the whole jurisdiction upon election petitions into the hands of a committee, no gentleman was warranted to impeach the proceedings of any committee, without make some regular motion to bring all their minutes, papers, &c. and the clerk of the committee, before the House. If the honourable gentleman had any such motion to offer, well and good; if not, he should consider his adverting to any past transaction, that had reference to the late election, as highly disorderly.

The Speaker confirmed all that Mr. Baker had advanced.

Mr. Poulett rose again and attempted to proceed.

Mr. Powys. Mr. *Powys* called him to order, and asked if he had any motion to make; if he had, begged he would make it then.

Lord Beauchamp. Lord *Beauchamp* said, Mr. Poulett had been put to great expence in feeing counsel, bringing witnesses to town, &c. and all he meant, if he understood him rightly, was to make it appear that he had been ill-treated.

The Speaker. The *Speaker* interrupted the noble lord, to declare that he never was more clear in any opinion that he had ever formed, than that every part of the consideration touching election cases, was, by the Grenville act, taken out of the House,

and

and the whole judicature delegated to a committee. It therefore neither concerned the House, whether the decision was unjust, whether one party was injured, or put to unnecessary expence, or any other point that had the least relation to the petition; the law was, that the committee were to try and report, and by their report the House must necessarily be governed.

This reasoning was acquiesced in by the House.

Adjourned to March 5.

March 5.

Mr. *Jenkinson*, secretary at war, moved for leave to bring in a bill for the better regulation of balloting for the militia. He said, that from the nature of the militia establishment, the time of service of great numbers expired at once, by which the corps were considerably weakened till recruited by the new ballots. These periodical disbandments were exceedingly dangerous to the state, by reason that they usually occur in the midst of a campaign, as would be the case in the summer of this year, when so large a number as 12,300 militia must be discharged. He thought it necessary to trouble the House with the bill now moved for, the scope of which was to enable the militia corps to raise recruits by ballot, four months before they should be decreased by the time of service expiring; so that on the disbanding of any number of troops, they might be immediately reinforced by the new levies. *Mr. Jenkinson.*

An act had passed in the year 1780, by which the several corps had it in their power to ballot for the men that would be wanted, four months before the expiration of the term of the militia men, whose places were to be supplied. Several colonels had taken advantage of this act, and were now compleating their corps by that mode. He wished to make it general; and for that purpose it was, that he wished to bring in a bill. If it was speedily passed, the whole corps might be compleated within two months. He concluded with moving, that leave, &c.

Sir *George Yonge* did not object to the bill, but complained of the militia being sent out of their own counties, and to distant places. *Sir George Yonge.*

Sir *Edward Astley* said, the militia was become exceedingly burthensome to the country; and, in his opinion, the power that was vested in deputy-lieutenants and colonels to object to men. He complained of the enormous sums which were given for substitutes, to the great detriment of the *Sir Edward Astley.*

 regular

regular service. To prevent this evil, he said, that every militia man, who had served three years, ought not to be permitted to serve again as a substitute during the next three years.

Mr. Turner. Mr. *Turner* declared, that he would object to every part of the bill proposed. It was his idea that no motion nor proposition whatever should be made respecting the militia, without giving due notice to the House. He had given this advice in the last Parliament; and he trusted that regulations, tending to disturb the country, would not be adopted without the most mature discussion.

Leave was granted, and Mr. Jenkinson having prepared the bill, he brought it up, and it was read a first time.

Mr Sheridan. Mr. *Sheridan* now rose, agreeable to his intimation, to offer his propositions respecting the police of Westminster. He began with saying, that if he had presumed to offer his sentiments to the House on this subject at the opening of Parliament, he should have felt the necessity of apologizing for the presumption of taking up the matter; since after the recollection of the dreadful tumults which ravaged and disgraced the metropolis in the month of June last, he should have naturally conceived that some gentleman, of more experience and more weight than himself, would have thought it worthy his own attention, as well as that of the House. But as so long a time had elapsed, and no gentleman undertaken the important consideration, he thought himself both justified, and called upon to the task. The police of every country was an object of importance. (Gentlemen would understand what he meant by the term police; it was not an expression of our law, or of our language, but was perfectly understood.) In a despotic country, where the laws were regulated by the will of the sovereign, the view and purpose of the police is to give comfort and security to the subject, and, perhaps, to furnish secret information to the rulers. In a constitution of liberty, like that of Britain, it was the duty and the object of the people to prefer the essentials of freedom to the comforts of ease; and they were not to purchase internal protection at the expence of slavery. It is not a dead and slavish quiet; it is not a passive calm and submission that is the ultimate object of police in such a state; but as much good order as is consistent with the active and busy, bustling genius of liberty. They were not to be awed into submission by a military dependent on the will of one man, to whom they delegated their power; nor to constitute a police which only could derive maintenance and effect by

the intervention of arms. It was for this purpose that the legislature of Great Britain prudently and wisely established a military power only for the duration of one year, or rather they suspended the illegality of the military power for a year. It was for this that they would intrust no permanent and durable military in the hands of the crown, but preserved to themselves the security of escape whenever that military should be misapplied to objects for which it was not designed. The police of Westminster in its present condition was wretched and miserable. Its state was too well known to every gentleman who heard him, to require description: its weakness and inefficacy were too severely felt, at the late dreadful period, to be depended upon in future. To that we were to ascribe the riots and the outrages that had broke forth in June last, and which had raged without controul for many days. To that we were to ascribe the order which had been issued to the military to act without waiting for the orders of the civil power. To that we were to ascribe the establishment of military power in this country for four months, and its being extended to every part of the country. It was the police of Westminster that had given rise to all these calamities and alarms; and yet not one measure had been taken, nor one attempt made, to correct that police, or to prevent a repetition of the same dangers.

He was aware, that it might be said, that if the negligence and the incapacity of the civil power of Westminster had contributed so much to these evils, the same imputation ought to be thrown upon the magistracy of the city of London; since the tumults had reigned with equal impunity in that city, and with equal consequences. To this he could only say, that he could not forget, for a moment, that the tumults began in the city of Westminster; that there they had their small beginnings, and that there they might have been checked with less exertion than in the subsequent progress of their accumulating force. But the success of the riots in the city of London, had been ascribed to the want of conduct and courage in the chief magistrate. It was to him, and not to the civil power in general of that city, that the blame was given. By the same mode of reasoning, he would be permitted to say, that if the chief magistrate of the city of London was condemned for not having animated and directed the resistance, the chief magistrate of the county of Middlesex ought also to be charged with inattention and inactivity in those scenes. If responsibility was to be proportioned to trust, which certainly was the rule and measure of justice, the lord lieute-

nant of the county of Middlesex was infinitely more criminal and guilty than any other man, because his obligations and his powers were greater. Invested with the important trust of appointing and regulating the civil power, it was his duty to see that the magistrates and the officers which he had put into the commission, did their duty to their country; and if they did not, he ought to have collected them together, to have appointed them their stations, and to have put them into active employment. If it should be said that the noble Duke could have done no service to the kingdom by such a measure at that moment, because the magistrates were such that they would have disobeyed his orders, then he would beg leave to ask, why were such magistrates put into the commission? The crime was equally enormous in either case. If it should be said that the office of a magistrate in this city was so exceedingly troublesome and offensive, that gentlemen of character and fortune could not be found to enter on it, then he would ask, why had no measures been taken to put the police on a more respectable footing? and "after the melancholy experience that you have had, how comes it nothing has been done since?" This is the material question; for after the fatal experience which we have had, it became an indispensable duty of government, and of the officer of the crown, to whom the regulation of the police of Middlesex was intrusted, to prevent the necessity of recurring again to the alarming expedient that had been used in June last. Was not the conduct of that man or men, criminal, who had permitted those justices to continue in the commission? Men of tried inability and convicted depravity! Had no attempt been made to establish some more effectual system of police, in order that we might still depend upon the remedy of the bayonet; and that the military power might be called in to the aid of contrived weakness and deliberate inattention? It might, perhaps, be the wish of some, that the subject might be familiarised to the use of the soldier, and that, upon occasions less alarming than the last, they might resort again to the same remedy. It was a matter pretty well known, that orders of a nature not dissimilar to those of June last, were given to the military on the acquittal of Lord George Gordon. Orderly serjeants were attending in Westminster-Hall; the courts of justice were beset with soldiers; and the guards were all in readiness to act in case of necessity. He did not assert this as an imputation upon government. He did not say that they ought to have stood by, tame spectators, and

behold

beheld the city set on fire, ere they began to act. He only wished to shew, from this circumstance, that the weakness of the civil power was recognized by government; that they acknowledged the incapacity, and applied again to the same remedy, unconstitutional as it was, before the necessity was ascertained.

There were only two reasonable excuses that could be assigned for the conduct of government, in issuing the orders that they did to the military power. The first was, that they conceived that the riots were not produced by those men who had assembled around the House, instigated by religious enthusiasm, and impelled by the frenzy of apprehensive zeal; nor yet by a set of vagrants, and abandoned characters who had industriously mingled with the original multitude, and taken advantage of the occasion to commit hostilities and depredations on the metropolis; but that they were the effect of a deliberate and deep-laid scheme; a conspiracy, contrived by the enemies of this country, with the intention of spreading plague, pestilence, and famine over the kingdom; to lay the metropolis in ashes; and to strike at the very foundations of our wealth and credit as a nation. If such was the sentiment of government, they might be justified in applying the means which were in their power for destroying the diabolical scheme. If such was the truth, we should have recourse to every expedient; we should have regiments planted in our churches, piquet guards in our squares, and centinels instead of watchmen in our streets. This was the sentiment and the opinion which had been propagated by government, as their excuse and their commendation. A grave and venerable chief justice had pronounced this assertion in the House of Peers, and another chief justice had delivered it from the bench, and on this respectable authority, the world are desired to believe, that the whole was a systematic conspiracy of the enemy, levelled at the being and existence of the empire. This was an opinion which, if it was true, would justify the exertions which had been made; it was at the same time a doctrine which he, for his part, could not consider as just or well-founded. Let them search for its truth in the circumstances and probability of the case. What was the conduct of the two Houses of Parliament on the occasion? Not having been a member of the House at that time, he might for a moment conceive himself to be ignorant of their proceedings. It might naturally be expected, that if there was an active conspiracy in the metropolis, and war was levied against the person and dignity

of

of the crown, the two Houſes ſurely ſat from day to day, and day and night, in anxious deliberation; that there were conferences between the two Houſes, and committees appointed to fathom the plot, and to contrive and direct the means of national ſalvation. Was this the caſe? No: on the contrary, the Parliament did not meet, or if they did, met in numbers that were unfit for the ſtudy of any national queſtion; they adjourned their Houſes; they went into the country, and left the conſpiracy and the conſpirators to the fugitive juſtices of Middleſex: they abandoned their country in the moment of danger; even in the hour of attack, they flew from their ſtations, and delivered over the kingdom to the care of thoſe very men, whoſe criminal negligence and timidity had given ſtrength to the inſurrection in its firſt movements. He would not believe, then, that Parliament concurred with the chief juſtice in this ſentiment; he would not libel them with the accuſation, ſince he could not believe it poſſible that the Houſe could continue ſo remiſs, ſo inattentive, and ſeemingly ſo ignorant or ſo careleſs of the danger, if it had exiſted. In the Houſe of Lords a noble Duke had at that time brought forward a propoſition of the utmoſt importance, eſpecially at ſuch a moment; and there were but nineteen of the hereditary counſellors of the realm to ſupport the right of the ſubject to carry arms in his own defence. Was this a proof that the empire was threatened with diſſolution by the hoſtile ſcheme of the enemy? If the Houſe would peruſe the whole of the trials, from that of the firſt unhappy man who had been brought to the bar at the Old Bailey to the noble lord who had been tried in the King's Bench, they would find, that the noble lord was the only perſon who had been charged with high treaſon; he was both the leader and the army; not one of his ſubalterns had riſen above the humble charge of felony, and he was the leader and the army in this great machination againſt the being and the dignity of the ſtate. Forty thouſand people were deſired, by a public advertiſement, to aſſemble, and in the ſame advertiſement the civil officers were alſo deſired to attend to keep the peace. The forty thouſand people obeyed the invitation; but the juſtices and the conſtables did not. Though it could hardly be believed that ſo many people could aſſemble, however pious in their intentions, however orderly in their demeanour, without giving riſe to ſome diſturbance, by the interpoſition of vagabonds, who would take advantage of the occaſion, yet the civil officers took notice of the advertiſement.

vertiſement They aſſembled, and as it was ſuſpected, a multitude of the moſt abandoned wretches mingled with them, and they pulled down a chapel that night. So weak and untremendous was that mob, that the very chief juſtice who declared afterwards from the bench, that it was an army levying war againſt the perſon and majeſty of the crown, took five or ſix of them with his own hand. Several were taken and afterwards expiated their offences at the gallows. The day after they were ſilent and harmleſs, a very ſignificant proof of its being no conſpiracy; for it was not the nature of a plot to admit of intervals and ceſſation; its ſucceſs depended on its rapidity: it would give no leiſure for detection and defence—but with cloſeneſs it would connect diſpatch. When they roſe again, they demoliſhed the houſe of a gentleman, whom he could not better deſcribe than by ſaying, that it was a houſe that ſhould have fallen by any other ſtorm than that of popular fury. It was then, and not before, that their rage burſt out, and they went to pull down and deſtroy the priſons, as if conſcious of their guilt, and knowing that they could find no fit aſſociates for men who had been guilty of ſuch a deed, but in the cells and dungeons, among thoſe wretches who had forfeited their lives to the laws of their country. In all the trials, in all the proceedings, gentlemen would find no ſolid and convincing proof of there having been any deep-laid ſcheme, any regular machination, any plot againſt the country, in theſe riots.

The other reaſon which might juſtify government for the orders which they iſſued was, that they believed the ſubſtitution of the military to be a ſafe, eaſy, and conſtitutional meaſure, in all caſes of tumult and riot. He would not attempt to go into any ſerious inveſtigation of this argument, but only aſſert, that if it were true, that in caſes of extreme danger, ſuch a remedy might be ſafe, eaſy, and conſtitutional, ſtill it would be improper to be acknowledged by Parliament; for what might be legally done, would be done oftener. He wiſhed to ſee a bill of indemnity paſs, by which the queſtion would be eſtabliſhed on its proper baſis, and the people would have the confidence of knowing, that though the late interference was ſalutary, it was unconſtitutional. If he wanted any additional reaſon to convince him of the danger of leaving ſuch a power in the hands of the crown, a circumſtance which occurred in the other Houſe on the opening of the ſeſſion, would give him the moſt convincing proof of the neceſſity of deciding on the doctrine. This was, that his Majeſty was

praiſed

praised and exalted for not having acted, in that hour of terror and confusion, like the King of Sweden, in directing his arms against the liberties of the country. This was an expression so alarming in its nature, so threatening, and so formidable, that he could not help thinking it incumbent on the House to rescue the country from a suspicion so dreadful. What! was it in his Majesty's power, at that moment, to have trampled on the liberties of the country, and to have introduced military government in the place of the present constitution? Was that the crisis when this might have been established, when the minds of the people were lost in terror and confusion? No, that was not the moment of danger; the crisis was, when, after the interference of the military power, the chief justice of England said that it was legal, and asserted, that the military acted not as soldiers, but as citizens; and when this declaration was not objected to by a specific resolution of Parliament, but bore the testimony of general acquiescence. That was the moment when the liberties of the people were in danger; and if it did give the opportunity to the crown, the opportunity still existed. It had been asserted, in some instances at least, without a cause. The danger was confined to the metropolis, then, why was the order extended to every part of the kingdom? On granting that it was necessary to extend it, why continue it for four months? If this doctrine was to be laid down, that the crown could give orders to the military to interfere, when, where, and for what length of time he pleases, then we might bid farewel to freedom. If this was the law, we should then be reduced to a military government of the very worst species, in which we should have all the evils of a despotic state, without the discipline or the security. But we were given to understand that we had the best protection against this evil, in the virtue, the moderation, and the constitutional principles of the sovereign. No man upon earth thought with more reverence than himself of the virtues and moderation of the sovereign; but this was a species of liberty which he trusted would never disgrace an English soil. The liberty that rested on the virtuous inclinations of any one man, was but suspended despotism; the sword was not indeed upon their necks, but it hung by the small and brittle thread of human will. He adverted to his Majesty's speech from the throne after the riots, which had been peculiarly called his Majesty's own speech; he desired it to be read from the table.

The clerk then read the first part of his Majesty's speech of the 19th of June last, viz.

"The outrages committed by bands of desperate and abandoned men, in various parts of this metropolis, broke forth with such violence into acts of felony and treason, had so far overborne all civil authority, and threatened so directly the immediate subversion of all legal power, the destruction of all property, and the confusion of every order in the state, that I found myself obliged, by every tie of duty and affection to my people, to suppress, in every part, those rebellious insurrections, and to provide for the public safety, by the most effectual and immediate application of the force intrusted to me by parliament."

Here, said Mr. Sheridan, his Majesty takes the whole upon himself, and rests the issuing of the order on its true ground, the necessity of the case. If his Majesty's ministers had followed the example of the Sovereign, and come down to Parliament desiring a bill of indemnity, the House would have added panegyric to their consent, and would have praised their moderation in the second instance, while they extolled their exertion in the first. He entreated the House to forgive him for having dwelt so long on these excuses, which were all that could be urged in favour of ministers for acting as they did on that occasion. Either they must believe that the whole of the outrages were the result of a deliberate plot and machination, contrived by the enemies of this country, and aiming at the overthrow of the empire: or that the substitution of the military was a safe, easy, and proper remedy in all cases of riot and tumult. These were the only arguments which could justify ministers in the orders which they had given. He would trouble them no farther than by offering to them the propositions which he held in his hand, as the ground of a remedy for the evil of which he had complained. He carried his ideas much farther than he had brought them forward to the House; but he had been restrained by the opinions of men for whom he entertained much respect. He now read his motions, the purport of which were as follow:

1. "That the military force entrusted to his Majesty by parliament, cannot justifiably be applied to the dispersing illegal and tumultuous assemblies of the people, without waiting for directions from the civil magistrates, but where the outrages have broke forth with such violence, that all civil authority

thority is overborne, and the immediate subversion of all legal government directly threatened."

2. "That the necessity of issuing that unprecedented order to the military, on the 7th of June last, to act without waiting for directions from the civil magistrates, affords a strong presumption of the defective state of the magistracy of Westminster, where the riots began."

3. "That a committee be appointed to enquire into the conduct of the magistracy and civil power of the city of Westminster, with respect to the riots in June last, and to examine and report to this House, the present state of the magistracy and government of the said city."

He concluded with moving the first of these propositions, which, he said, as it was altogether declaratory, he trusted would not be opposed. At the same time it was not essential to the subsequent motions, which were specific, and went to the purpose for which he had presumed to call the attention of the House.

Hon. Mr. Fitzpatrick. The honourable Mr. *Fitzpatrick* seconded the motion, and said, that he, as well as the profession in general to which he had the honour to belong, would thank the honourable gentleman for bringing on the business, and clearing up a doctrine which gave them very much uneasiness and pain. They were anxious to have the question brought to a decision, that it might remain no longer in doubt and perplexity. If the military were to be employed against their fellow-citizens, without waiting for the orders of the civil power, he should no longer wish to belong to a profession so dangerous and fatal to the liberties of the country. At the same time, he said, the justices of Middlesex were too eager to call in the military power. On every little occasion they resorted to this desperate remedy, and found in the assistance of the military a ready excuse for the want of their own exertion and activity. He had often had the mortification of attending them in those combats, combats which the French described by a term which, indeed, was vulgar, and he trusted the House would forgive him for using it; by the term *guerre des pots de chambre*. He was called upon in the late riots, and he acted in that *guerre des pots de chambre* which was instituted against the person and the dignity of the crown. In all that war, the persons who menaced the crown and the constitution of the country, were men of the lowest character, unarmed, undisciplined, and who had not drawn a drop of blood, that he had heard of, so much as a broken head

head even, during the whole struggle. He drew a ludicrous picture of the rabble on the idea of its being a disciplined army marching in battle array, seemingly in allusion to the language of the crown lawyers on Lord George Gordon's trial; and gave an account of them afterwards in more serious terms from his own observation, introducing some sharp animadversions on the cowardice of the civil magistrates.

The hon. gentleman he said, had alluded to an expression in the other House, at which he could not forbear professing his indignation. To suppose that the military would assist in overturning the constitution if the monarch required it, was a libel on the profession. Could he believe such an opinion well founded, he would think his character as an officer disgraceful, and would hold it no longer. He earnestly recommended the consideration of the business, and trusted that some mode would be established to put the police of this great city on so respectable a footing as to render the interference of the military, in cases of riot, unnecessary.

Earl of Surry.

Earl of *Surry* objected to the latter part of the first motion, as making the purport of the whole vague and indeterminate. Overthrowing the civil power was a matter which would admit of various acceptations; and if a discretion was given to government to interpret that charge, it might be applied to every riotous act whatever.

Mr. Sheridan.

Mr. *Sheridan* said the noble lord had not accurately attended to the words of his motion; for he had himself adverted to the latitude which might be taken in interpreting the exception, and therefore, instead of stating the order for the military even in such cases to be legal, had only called it justifiable, leaving the specific justification, as now, open to the review of Parliament in every particular case. He had, however, no objection, he said, to leave out that clause, and advised it to be done; but was informed by the speaker, that as the motion had been made and seconded, it could now only be altered by another motion for an amendment.

Mr. Sheridan then said he had no objection to withdraw the first motion entirely, since it was merely declaratory.

Mr. Mansfield.

Mr. *Mansfield*, solicitor general, then rose to oppose the motion. He said it did not alter the matter to withdraw the first motion—he objected to the whole tenor of the business. He thought it quite unnecessary to touch upon such questions as those decided on in the resolution proposed, which he conceived had nothing to do with reforming the police of Westminster; and such declarations were the less requisite, as he

could not recollect one instance wherein the legislature had by name introduced the military into any civil regulations; the power of suppressing commotions was left entirely to the magistracy, without any express provision for military assistance; and therefore it was best not to form abstract opinions into resolutions of the House, but leave the vindication of ministers, for calling in the soldiery, to rest as it had hitherto done, on the necessity of the case.

He thought the complaint which had been urged against the measure in question peculiarly unseasonable, because the behaviour of the military had been meritorious in the extreme. No instance of cruelty or insolence had been or could be adduced, nor had they abused the power committed to them in a single instance: on the contrary, if their conduct had been in any respect exceptionable, it was in being too passive at first, and waiting too tenaciously for the authority of the civil magistrate to direct them. In [illegible] he should entirely consider [illegible] that of citizens anxious for the preservation of public order, and in that character the employing them was strictly unexceptionable.

This doctrine had been brought into dispute, he thought, very idly, since nothing in his opinion could be more clear and distinct, than that every man in this country, soldier as as well as citizen, was bound by his obligations to the community, to protect the property and the lives of his neighbour against violence and outrage. Therefore, when they saw any act of felony committing or committed, they were called upon to assist the oppressed, and if they could not prevent the felony without making use of force, they were bound by their allegiance to resort to that force. There was no distinction between citizen and soldier in this respect, their duties in this respect were the same, and their justification would also be equal; it would depend entirely on the necessity of the case.

The riot had been ascribed to the want of spirit in magistrates; if that was a true explanation of those unhappy events, it was plain we were not deficient in police, but in magistrates only.

He next commented ironically on that spirit of legal enquiry, so observable in the honourable gentlemen who were the authors of this motion. In that place of wisdom every thing was understood; they understood naval affairs, and military ones perfectly well, and there was not such a congregation of lawyers in the world. As to the law point a little

drawn

drawn into question to-night, he might, with propriety declare any decision of them on the present question unnecessary; but one seeming a little connected with his own conduct, it would seem like shrinking from enquiry should he avoid touching upon it. This was with respect to the nature of the offence for which a noble lord was lately tried.

The crown lawyers had been in several places much condemned for indicting his lordship on high treason, and yet he would not scruple to avow that he entirely approved to this moment of that mode of prosecution. He begged he might not be here understood as impeaching, in any degree, the abilities or intrepidity of the twelve gentlemen who tried Lord George Gordon.

They judged from their wisdom, and decided no doubt thereon with the best of their judgment; but this he would be free to say, that if the facts stated by the council had been satisfactorily proved, the noble lord was unquestionably guilty of the crime of high treason. Here he took a review of the several facts charged against Lord George Gordon, and attempted to be supported by evidence on the trial, adding, that he might give his opinion the more safely within those walls, as several parts of his lordship's conduct there, which could not for good reasons be brought forward against him on the trial, spoke more strongly against him than any of those stated to the jury. In holding this language, with respect to his lordship, and in his conduct on the trial, he disclaimed any screen behind the character of the advocate; he spoke ingenuously his sentiments, and would not, on such an occasion, exceed in severity the suggestions of his own conscience for the universe. Once more he would profess, that he approved of the prosecution, and thought the facts it proceeded on, if true, amounted to high treason in the object of it. He had not the conduct of the process on its institution, not being then solicitor general, but if he had his sentiments would have been the same as now.

The term Military Government had been much used upon this occasion. It was a language which in this country he could not clearly understand, and believed the gentleman who adopted it had no precise meaning for it. It was popular language, no doubt, and adduced merely *ad populum*; but while the spirit of our military gentlemen remained unaltered, there was no fear of such a chimerical system being brought into practice. As to an expression which had been quoted from the other House, it certainly was a very foolish one, and

and he was not to learn, that in every popular assembly many foolish things would be said; perhaps enough might sometimes be found in their own House without going in search of them to any other place.

He confessed himself against any alteration in our police; it having, in its present form, been found, through the course of ages, adequate to every common purpose; and as to the riots in June, it was a single instance of a defect in the civil power, which, in all probability, would never again occur. If the number of magistrates was found insufficient, there was a power in the crown to augment it, and any addition which might appear necessary could be made in three days. He never, therefore, could give his assent to a bill which, if he rightly understood its principle, was calculated to establish a new kind of military power, not subject to any controul of the crown, to remedy an evil which could so much better and more easily be remedied another way.

The noble lord at the head of administration had been complained of, because the order for the military had been made general; that is to say, in other words, because he had taken care to preserve the property of those poor catholics in the country who had not yet been attacked; this wicked and diabolical minister was attempting to introduce a military government. He sat down, professing a total disapprobation of it, both in form and principle.

Right Hon. T. Townshend.

Right Hon. *T. Townshend* answered the solicitor general very ably. The honourable gentleman was greatly dissatisfied that the House of Commons should arrogate to itself any professional knowledge. It was presumptuous, it seems, in that House, to know any thing either of naval or military affairs, but to understand any thing of the law, was worse than all!—He, however, must venture to incur the learned gentleman's contempt, by thinking that House had some right to interfere in the laws of their country, and the opinions of our ancestors would support him in that idea. They thought it an essential branch of duty to look into the conduct of the courts in Westminster-Hall, and if they had not sometimes been very attentive to solicitors and attorneys general our constitution in the present day might not have had much excellence to boast.

He took notice of the disposition which prevailed to treat with indifference and contempt opinions delivered in that House by the most able and respectable members, a most glaring instance of which occurred in the debate on the Mutiny

tiny Bill, when a gentleman, intitled in the highest degree to attention, had hardly begun his speech, when a noise suddenly arose, with every appearance of a signal from somebody, and the honourable gentleman was prevented from going on upon a subject on which he was particularly qualified to give information, if a fair and full investigation of the important question had been the wish of those who form, or who direct, the majorities of the House. The honourable gentleman who had made the motion, had expressed all the diffidence which it became him to express as a young and unexperienced member of that House; but his speech had fully proved that he was equal to any task which he might think proper to assign himself; he had alluded to an opinion that it was imprudent, and might be dangerous to bring any great constitutional question into agitation in the present times. It certainly was so, and every real friend to liberty would rather wish to have many resolutions on subjects most sacred to liberty, and to the preservation of the constitution, as they were framed and supported by our ancestors, than bring them into agitation now, when they might receive much injury, but could hardly obtain any new accession of strength; but as the honourable mover had thought proper to state a proposition to the House, highly proper in itself, and perfectly constitutional, he hoped the House would adopt it, and not by a rejection give the colour for an assertion that they thought the proposition wrong, or that they were of a different opinion.

In the course of remarks upon the riots, he professed some sympathy with that unfortunate man, the Lord Mayor of London, who was, he understood, to pay all the damages of Mr. Langdale's prosecution. He remembered that magistrate when he kept an excellent tavern, to which he, who was fond of taverns at that time of day, frequently resorted.

Honest Brackly Kennet gave good dinners and made a long bill, but it was the least of his expectations at that time, he would ever be called to account for not saving the capital. The honourable and learned gentleman thought our liberties secured by the public spirit of our soldiery; but for his part, who had conversed much with the military profession, he should be very sorry to rest the freedom of his country on such a foundation, if they were frequently to be invested with those powers they possessed in June last. By the habitude of such services the minds of men gradually acquired a blood-thirsty and ferocious nature, and it might readily be conceived

conceived how apt the soldiery w[illegible] be to abuse a [illegible] authority, to which they h[illegible] unac[illegible]. To such a pitch of [illegible] common [illegible] June last from being [illegible] clothed in fact with the power [illegible] he and them frequently ad[illegible] *Your Worship*.

He was firmly and fully of opi[illegible] bill was necessary to the chara[illegible] to the security of the subject. Aft[illegible] Act there was an Indemnity Act; [illegible] thought by constitutional m[illegible] the illegality of employing th[illegible] by Parliament.

Mr. Pelham. Mr. *Pelham* said that a si[illegible] in the executive administration of a city police, [illegible] a sufficient foundation for destroying the e[illegible] system of interior government, and intr[illegible] a new one.

Ld. North. Lord *No[illegible]* th[illegible] rose, and beg[illegible] upon the imput[illegible] which had been [illegible] against him by Mr T Towns[illegible] of having contribute[illegible] an honourable member [Mr. [illegible] a few days ago in that House, to exp[illegible] sentiments upon a great constitutional question. He assured the honourable member who had mad[illegible] that he equally disapproved and d[illegible] such [illegible] conduct, and that as he always he[illegible] the honourable [illegible] alluded to, with infinite satisfaction when he did speak, so it was his entire wish and inclination, that he should be deprived of no fair opportunity of displaying but that he, in common with every other individual present, should be permitted their just constitutional right as members of that House, of suggesting their sentiments with freedom and with an entire exemption from every species of interruption and obstruction. It was a harsh and unauthorised conclusion to infer, that because an accidental noise had been made towards the lower end of the house when an honourable member was preparing to speak, who, on other occasions had always deserved, and almost always met with attention, that therefore the minister had fostered an intention of putting an end to all parliamentary discussion, and of compelling the members into a silent acquiescence with his measures. These precipitate inferences were often made against him in that assembly, and were as ungenerous to him as unjust in the authors of them. Why should he have entertained a wish to preclude discussion on the nature of

of the bill, that was the subject of their debate when this interruption took place? It was the mutiny bill for Ireland, and he was responsible for it to the Parliament of this country. One of the charges that were made was against the Earl of Strafford, in the famous impeachment against him, consisted in an accusation of mal-administration in Ireland. He was therefore open to the same species of danger, and could not be so weak as to entertain an idea of precluding the discussion of a subject, which, by the nature of his office, he was amenable for, and, by the usage of Parliament, any member had a right to complain of. His own opinion was, that the honourable gentleman gave up the point too soon. Some little noise had happened at the bar by gentlemen moving to or from their seats, and he had too hastily misconstrued it into an expression of disinclination to hear him. Having cleared himself of this very unfavourable assertion, the noble lord proceeded to speak to the motion before the House. The honourable gentleman, he said, who had opened his motion with such particular ability, had mentioned it in his introduction as a matter of surprise, and as a confirmation of his sentiments concerning the subject matter of the motion, that the ministers had not petitioned the House for an act of indemnity, after they had been guilty of having recourse to the military power on the 7th of June last. The ministers, he said, had several reasons for entertaining no such idea nor intention. In the first place, an act of indemnity, in his conception, was only necessary where one individual was liable to a prosecution from having done another an injury, by an act which had nevertheless been productive of the greatest public utility. It sometimes happened, that in the accidental consequences of those great political measures, which, from the emergency of the particular crisis were necessarily to be adopted, without the knowledge or consent of Parliament, some particular citizen might sustain considerable injury, and as the minister had exceeded law in the execution of the measure which had produced this injury, the suffering man could have a legal action against the minister, and might recover damages in a court of justice. In such instances, therefore, it was necessary for the author of such a measure to have recourse to Parliament to secure him against the stigma and inconveniences which would attend a conviction in a court of justice, and it had been the uniform practice of Parliament to grant these indemnifications with alacrity and pleasure; but, in the present instance, what individual was there who could pretend to have sustained an injury? In protecting the lives and securing the property of his Maje-

ſty's ſubjects, he felt no apprehenſion of a proſecution. If any ſuch inſtance ſhould occur, then, and not till then, would he apply to Parliament, for it was never too late to ſupplicate their patronage, and to ſhield him againſt the effects of ſuch an aſſault. Another reaſon why he had ſolicited no indemnity as yet, was this, that ſo long as Parliament were quiet as to his conduct, he required none. They had it in their power to impeach him, if they did not, that was his indemnity, and he was perfectly content with the tacit implication of protection which they had hitherto, by their forbearance, afforded him, and he doubted not would continue to afford him. There was ſtill another circumſtance which had operated with him inducing him to neglect the application which the honourable gentleman ſeemed to expect, and that was this, a full and perfect conſciouſneſs that he had done his duty, and no more than his duty; that he therefore had no occaſion for an indemnification, for the proper execution of duty required none. Neceſſity ſuperſeded all law, and conſtituted law. Where that exiſted, illegality was nonſenſe there could be no illegality then properly conſidered, for the firſt of all laws inhered in ſuch inſtances, and juſtified what it produced. Would any man ſeriouſly contend, that the dreadful tumults in June laſt had not conſtituted a neceſſity? If they had, the remedy that was applied, however illegal under different circumſtances, and under different circumſtances he admitted it to be ſo, ceaſed to deſerve that appellation, and became as perfectly conſtitutional, as any act could be under any poſſible ſuppoſition or ſituation whatever. The principal object of the motion, as he underſtood it, was this, to regulate and define the circumſtances under which, and which only, it ſhould be proper and legal to recur to the military power. An attempt of this kind was, in his eſtimation, perfectly impracticable. There could be no definition comprehenſive enough to include all the poſſible variety of caſes which might occur; and what would be the conſequence, if an inſtance ſhould happen not embraced in the deſcription, but this, that there would be an unavoidable timidity in the executive power, and the effects of any tumult might extend to a degree fatal to the conſtitution and exiſtence of the country? But where would gentlemen chooſe to have the power repoſed, of preventing improper applications of the military? Surely not in better hands than it now was, for this power was in the poſſeſſion of Parliament. Nothing could juſtify the introduction of this power but neceſſity, and the Parliament always had the right

of enquiring into the nature and degree of that necessity. If it was made a false plea then they could punish the authors of it; if not, nothing illegal had been committed, and the liberties and constitution of the people remained untouched and uninfringed. With respect to this particular point therefore, he did not deem the improvement practicable, for the rights of the people, and the properties of the constitution could be nowhere so securely defended as in the protection of Parliament, and there it rested at present. If any immediate remedy however had been either wanted or practicable, it certainly was not likely to be produced by the motion in question. The terms of that were too vague, and too indefinite, either to operate as a direction or a security to the persons concerned in the execution of the business implied in it. How could military men understand them? It was acknowledged that soldiers were not the most conversant in law. What then would they be able to make of such a wide description as this, namely [here his lordship read the motion] that the military power should only be justifiable "when the subversion of the constitution, &c. appeared probable, and the safety of the kingdom in danger." How were men avowedly not skilled in discrimination, and too modest to confide much in their own talents to be able to perceive when this critical moment was or was not arrived? It is very likely they might err in their construction, and if they did, there was no appeal against them, and they could not be responsible for any consequences arising from their injudicious exercise of a legal power; whereas the ministers in whom that occasional power was now in some degree invested, were always amenable to Parliament for their just application of it, and Parliament therefore were in the ultimate possession of that prerogative. His lordship proceeded to remark, that he did not expect to hear so vague a discussion introduced from the simple foundation of a bare motion for the regulation of the police of Westminster; but whatever might be his opinion of that police he would suspend his sentiments for the present, and content himself with opposing a motion too indefinite to be either clearly intelligible or easily practicable, and not calculated for the redress of any constitutional grievance whatever.

Mr. *Turner* remarked, that the magistrates of Westminster, might very fairly be compared to rat-catchers; for in their endeavours to destroy the human vermin, which it was their business to pursue, they were sure to leave some for the good of the breed. Mr. Turner.

Sir George Savile.

Sir *George Savile* professed himself much obliged to the learned gentleman who had gone so far into the arguments he had used in the trial of Lord George Gordon. He had not been able to obtain admission at that trial, and he felt his curiosity gratified by the recital; but for what other purpose they were recapitulated, other than to gratify the curiosity of gentlemen in his predicament, he could not see, as they were foreign to the question now before the House. A part indeed of the learned gentleman's speech had been more immediately pointed to the subject in debate, but it contained doctrines at which he felt himself much alarmed, as highly dangerous to the constitution, because it went to disguise that great source of danger, that constant object of terror, to every man who valued constitutional liberty, a standing army. Soldiers, we were told, were to be considered in common with other subjects; three or four of them were formed into a file, others were added; they were lengthened and [illegible] into columns and battalions, and still considered merely as citizens, perfectly harmless to the constitution, and we were told no sort of danger whatever was to be apprehended from employing them in services which the voice of the ancient law, and the policy of our most virtuous ancestors, had guarded most anxiously against their being employed. Admitting the quibble for a moment, he said, that such doctrine might be law, with respect to the interposition of one single individual, would the learned gentleman, who had that day maintained this opinion in the House, further contend that there was no difference between one man's interfering, admitting that one man to be a soldier, and a regular body being called upon by the King to act under the command of his officers, and execute his purposes? The learned gentleman knew this to be an unconstitutional doctrine, and when he mentioned it there, he doubtless had recourse to some such personal [illegible] tion as was referred to in his doctrine, and gave this opinion, not as a lawyer, but as a member of Parliament only. He would willingly, he said, have waved the discussion of this business, but as it was fairly before the House, ministers ought to be very cautious how they proceeded concerning it; they ought to act with caution, for by negativing the proposition which had been made to them, they would in all probability excite suspicions and opinions very injurious to the safety of the country, and the preservation of the constitution. What would the world think when they put these circumstances together? The crown appoints the magistrates of Westminster,

Westminster, and ministers contend, that the introduction of the military is to be directed by the mandate of such magistrates, and by no other influence whatever. This had a very suspicious aspect, and might produce bad consequences. He cast no reflection, but he would wish every cause for reflection on a subject of such importance, to be totally removed. Magistrates would also naturally grow careless, if they were apprized of the doctrine that the military might possibly act without them, and occasions therefore of necessity would be eventually increased to such a degree to their unconstitutional assistance, as to render both expedient and unavoidable. Sir George argued this point with great solidity and precision.

Sir Grey Cooper endeavoured to justify the employment of military men in the suppression of tumults, and the idea that on such an occasion they were considered in the eye of the law [illegible] subjects, by ancient precedents as [illegible] the reign of Henry the Seventh, when a tumult was suppressed by the sheriff of Norfolk, aided by three hundred men at arms, not soldiers in the modern sense of the word, but such men as had conquered at Cressy and Agincourt, men serving under feudal tenures, and possessed of all the [illegible] advantages of discipline which the times could give; but no [illegible] was apprehended from them, and in the [illegible] which they conducted, in suppressing the tumults, was mentioned, it was greatly applauded. Sir Grey Cooper.

Mr. Fox said, that much of what had been urged against the motion of his honourable friend might have been spared, if the words of his motion had been attended to. All that was said about employing the military under the direction of the civil power was totally nugatory; nobody disputed it. The case quoted was, that three hundred military men acted under the direction of the sheriff, who was the person of all others the most proper, and on whom the constitution principally depended for the suppression of tumults and popular commotions. The opinion thrown out by the solicitor general, that the House was unequal to the task of debating with propriety on naval and military questions, and particularly on questions of law, and that foolish and improper things were said in popular assemblies, were treated with a humorous, but pointed and keen severity. He retorted on the solicitor at the conclusion of every period, and shewed the gross impropriety of the assertion, in a manner equally convincing and humourous. He said, he had been always used to look upon Mr. Fox.

popular

popular assemblies, as the most advantageous places, for free and important discussion; had been early initiated in them himself, and had been taught both by habit and reflection, that the remaining parts of the constitution had been preserved by their means, and their means only. But why did he speak of constitution? This was some of the foolish things usual in popular assemblies, which the learned gentleman did not or would not understand. The learned gentleman had expressed it as his opinion, that a soldier in a case of emergency, acted only as a common individual, and yet he had granted that in so acting, he was still under the controul of officers, and subject to punishment for disobedience. How did these parts of the learned gentleman's ... agree? But after having hazarded an assertion, that many foolish things were said in popular assemblies, perhaps the learned gentleman conceived himself under a necessity of producing a proof of his assertion; and had therefore made this remark upon the tail of his declaration. Mr. Fox further accused the solicitor general of replying to his observations some days after they were made; by which means he reduced him to the very uncomfortable alternative of being either silent as to his own vindication, or of violating the established order of the House, which did not admit a member to repeat what had been said on any preceding day. As to the ... of his honourable friend, he ... approve of them ... he paid ... and the energy of the speech with which he had introduced them. He said, at the same time, that he had not flattered his friend with the expectation of success—he had not given him any encouragement to the attempt; for he had been longer in Parliament than his honourable friend, and he knew the disposition of the House too well, to be sanguine in his prospects on any constitutional question.

The So... General. The S... General answered Mr. Fox, and said, the gentleman had accused him of having spoken contemptibly of ... He was sorry he was compelled to give a direct ... to that assertion, the fact being, that he had never entertained the most distant idea of so ridiculous and presumptuous a proceeding. The honourable gentleman had also charged him with having said that many foolish things had been spoken in that assembly.——He had the same reply to make to this second imputation, which was to deny it flatly. As for the third, he said, he felt it of much less consequence, but he assured Mr. Fox, that he had been mistaken in supposing

posing that any part of his first speech had been produced by his [Mr. Fox's] animadversions upon the trial of Lord George Gordon in a preceding debate, an occasion having been given him by the honourable gentleman who introduced the motion, to enter into the explanation of that affair with which he had troubled the House, without any reference to the previous debate whatever.

The Attorney General. The *Attorney General* confined himself principally to the justification of the trial of Lord George Gordon, and of his own conduct, but gave a general opinion against the motion.

Mr. Dunning. Mr. *Dunning*, on rising, said he must add to the number of lawyers, of whom four had now spoke on the question. He said four, because he included an honourable gentleman, [Sir Grey Cooper] who had left the honours of his profession in his view, for the advantages of another within his reach. After a very cool and masterly view of the general topics, he confined himself to the proposition which they were called upon to adopt, by a vote; this he highly approved, it contained a palpable truism, a fact which no man who had any regard for the constitution would dispute, and not, as had been said, a vague definition.

The House now calling for the question, Mr. Sheridan repeated his desire, that the first motion might be withdrawn, which was complied with. The House then divided on the second proposition, when there appeared,

For the motion 64, against it, 171.

The third motion was negatived without a division.

The following Papers were laid before the House.

An Account of Extraordinary Services incurred, and paid by the Right Honourable Richard Rigby Paymaster General of His Majesty's Forces, between the 1st of January 1780, and the 1st of February 1781, and not provided for by Parliament.

Dates of Warrants.	£.	s.	d.
1780.			
Jan. 20. To Thomas Harley and Henry Drummond, Esqrs, in full of a warrant for 50000 l. to be by them applied and invested in the purchasing Spanish and Portugal coins, for the use and service of His Majesty's forces serving in North America — —	5845	9	2
27. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. ———	100000	0	0

Aug.

	£.	s.	d.
1780			
Aug. 5. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do —	111987	11	11
Sept 30 To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	133791	8	9
Oct. 19. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	250000	0	0
Nov. 6 To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	286582	5	7
To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do —	149012	13	6
24 To do to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	154480	18	9
Dec. 13. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	110717	12	3
29. To do to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	12976	1	11
Dec 29. To do to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	[illegible]7[illegible]950	15	7
1781.			
Jan 10. To do to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	82101	7	3
15 To do to be by them invested in Spanish and Portugal coins, ordered to be issued as for the American service, but actually sent for the use and service of His Majesty's troops at Gibraltar and Minorca, and for the use of the troops sent with Commodore Johnstone. — —	75000	0	0
	1845441	4	8

Towards the aforegoing payments to Mess. Harley and Drummond, apply the following sums, viz.

Cash received at sundry times of General Elliot, Governor of Gibraltar, on account of the subsistence of the forces serving in that garrison 34065 0 0

Do.

1780.				£.	s.	d.
Brought forward.	34065	0	0			
Do. received of General Murray, Governor of Minorca, for do. of the forces serving in that garrison — —	6932	5	10			
				40997	5	10
				1804443	18	10

1780.

	£.	s.	d.
Feb. 11. To Sir William James, Baronet, Abel Smith, William Baynes, and Richard Atkinson, Esqrs. for provisions delivered at Quebec, for the use of the forces serving in Canada —	316	2	11
March 20. To Sir William James, Baronet, Abel Smith, John Roberts, and Richard Atkinson, Esqrs, for Provisions delivered into storehouses at Deptford and elsewhere, on the river Thames, for the use of the forces in do. —	64856	13	4
To do. for do. service — —	5909	3	10
To do. for do. service —	26500	0	0
April 11. To do. for do. service —	7408	8	2
29 To do. for do. service —	18015	5	8
May 26. To do. for do service —	34885	9	7
July 8. To do. for provisions delivered into stores at Cowes, for the use of do. forces —	77751	0	10
Aug. 11. To do. for do service —	31593	8	10
Oct. 24. To do. for do. service —	12045	1	9
Nov. 13. To do. for provisions delivered at Deptford and Cowes, for the use of do. forces	4122	16	3
March 23. To John Durand, Esq. for provisions delivered into stores at Corke, for the use of the forces serving at New York and its dependencies, in Georgia, and in East Florida —	9821	12	6
April 6. To do. for do. service —	199	15	6
11. To do. for do. service —	3113	5	0
May 24. To do for do. service —	16846	17	6
July 8. To do. for do. service —	2874	18	3
Nov. 1. To do. for do. service —	2364	7	6
March 23. To Adam Drummond, Moses Franks, and John Nesbitt, Esqrs, for provisions delivered into storehouses at Corke, for the use of the forces serving in North America —	6243	14	9
April 11. To do. for do. service —	14097	8	9
May 24. To do. for do service —	22439	11	0
June 28. To do for do. service —	21848	2	8
Aug. 25. To do. for do. service —	8236	3	0
Nov. 1. To do. for do. service —	8256	15	0

June 22. To the representatives of Arnold Nesbitt, and to Adam Drummond and Moses

 Franks,

1780.	£.	s.	d.
Franks, Eſqrs, for proviſions ſpoiled by the loſs of the Betſey tranſport ———	783	12	0
March 23. To Sir George Wombwell, Baronet, John Henniker, and William Devaynes, Eſqrs, for proviſions delivered into ſtorehouſes at Corke, for the uſe of the forces ſerving at New York and its dependencies, in Georgia, and in Eaſt Florida	11892	10	0
To do. for do. ſervice ———	11003	13	10
To do. for do. ſervice — —	4454	13	9
To do. for do. ſervice ———	2981	15	0
To do. for do. ſervice — —	11031	18	4
To do. for do. ſervice ———	11040	13	6
May 19. To do. for do. ſervice ———	20091	2	6
To do. for do. ſervice ———	10374	0	1
July 8. To do. for do. ſervice ———	7601	10	0
Aug. 11. To do. for do. ſervice ———	1902	19	0
25. To do. for do. ſervice ———	9779	2	0
April 6. To Thomas Hazlewood, Eſq. for proviſions delivered into ſtorehouſes at Corke, for the uſe of the forces ſerving at New York and its dependencies, in Georgia, and in Eaſt Florida	10829	0	0
March 23. To Kender Maſon and John Whitelock, Eſqrs, for proviſions delivered into ſtorehouſes at Corke, for the uſe of the forces ſerving at New York and its dependencies, in Georgia, and in Eaſt Florida ———	3421	7	[illegible]
April 11. To do. for do. ſervice ———	13398	18	0
May 19. To do. for do. ſervice ———	1992	7	6
24. To do. for do. ſervice ———	1063	11	2
July 8. To do. for do. ſervice ———	1786	5	0
April 11. To James Fogle French, Eſq. for proviſions delivered into ſtorehouſes at Corke, for the uſe of the forces ſerving at New York and its dependencies, in Georgia, and in Eaſt Florida	5459	10	0
May 24. To do. for do. ſervice ———	3374	15	2
June 2. To do. for do. ſervice ———	1274	13	7
April 14. To Benjamin Smith, William Fitzhugh, and James Powis, Eſqrs, for proviſions delivered into ſtorehouſes at Corke, for the uſe of the forces ſerving in America ———	24156	1	9
To do. for do. ſervice ———	14751	12	6
Aug. 3. To do. for do. ſervice ———	35944	7	4
April 19. To Robert Mayne, Eſq. for proviſions delivered into ſtorehouſes at Corke, for the uſe of the forces ſerving in America —	17178	0	1
Aug. 3. To do. for do. ſervice ———	17390	9	11
Nov. 13. To do. for do. ſervice ———	452	10	0
March 10. To John Stephenſon and John Blackburn, Eſqrs, for proviſions delivered into			

ver

	£.	s.	d.
1780. ſtorehouſes at Deptford, and elſewhere on the river Thames, for the uſe of the forces ſerving in Nova Scotia and Newfoundland ———	19801	7	5
20. To do. for do. ſervice ———	7500	0	0
April 11. To do. for do. ſervice ——	11894	11	0
29. To do. for do. ſervice ———	3191	1[illegible]	9
June 2. To do. for do. ſervice ———	29256	12	5
To do. for do. ſervice ———	19162	19	2
June 2. To John Stephenſon and John Blackburn, Eſqrs, for victualling the forces at St. John's, and its dependencies, between 24th December 1778, and 9th December 1779, and for proviſions condemned — —	4017	5	10
To do. for victualling the forces at do. between the 10th and 31ſt December 1779, and for proviſions condemned —— ——	807	3	9
July 6. To do. for proviſions delivered into ſtorehouſes, at Deptford, and elſewhere on the river Thames, for the uſe of the forces ſerving in Nova Scotia and Newfoundland ———	1222	1	3
20. To do. for victualling the forces at Nova Scotia, between the 3d November 1779, and 16th April 1780 ——— —	27750	5	7
Aug. 11. To do. for victualling the forces at Nova Scotia, and St. John's, Newfoundland, between the 1ſt of January and 12th May 1780, and for proviſions condemned at St. John's Newfoundland ——— ———	2194	0	2
Nov. 1[illegible]. To do. for proviſions iſſued to the forces at St. John's and its dependencies, in Newfoundland, between the 13th May and 28th July 17[illegible], for proviſions condemned ———	1563	5	0
Dec. 7. To do. for proviſions iſſued to the forces at Halifax, &c. in Nova Scotia, between the 19th April and 13th June 1780 ———	4534	19	6
March 10. To John Stephenſon and John Blackburn, Eſqrs, for proviſions delivered into ſtorehouſes, at Deptford, and elſewhere on the river Thames, for the uſe of the forces ſerving in Weſt Florida — —	9060	1	[illegible]
April 19. To do. for victualling the civil branch of the ordnance at Penſacola, between the 1ſt October 1778, and 30th September 1779, for proviſions ſupplied to the poſt at Manchac, to 29th Auguſt 1779; and for do. delivered to John Lorimer, hoſpital ſurgeon, between the 25th December 1778, and 24th December 1779	61[illegible]6	12	[illegible]
June 19. To John Stephenſon and John Blackburn, Eſqrs, for proviſions iſſued to the troops at			

				£.	s.	d.
1780. Redcliffe, Pensacola, and Mobille, to 24th Dec. 1779, and for provisions condemned at Pensacola				10523	13	9
Aug 3. To do for provisions condemned in West Florida, between the 18th of Nov. 1779, and 20th. Jan 1780 ———				623	17	6
June 15 To Kender Mason, esq for victualling the forces in East Florida, and the out posts, between the 25th June and 24th Oct. 1779				4447	3	6
19. To do for provisions sent by him to St. Augustine, and ordered from thence to Georgia				6694	10	2
July 20. To do for victualling the forces in the garrison of St. Augustine, between the 24th February and 3d April, 1780 —				984	17	6
Aug. 3. To do for victualling do. between the 25th Oct 1779, and 23d Feb 1780				2438	10	1
Nov 13. To do for provisions issued to the out posts dependent on the garrison of St Augustine, between 25th Oct. 1779, and 24th April 1780, and for provisions condemned ———				1907	16	8
Feb 22 To Anthony Bacon, esq for provisions delivered into storehouses at Deptford, and elsewhere, on the river Thames, for the use of the forces serving in the West Indies				[illegible]	1	6
April 6 To do. for do service ——				[illegible]	[illegible]	2
May 19. To do. for do service —				8399		3
June 2 To do. for do service ———				4163	5	10
Nov 28 To do for do. service ——				19362	4	0
To do for provisions delivered at Cork, for the use of do. forces ———				2601	18	0
Feb 11 To George Browne, esq. for provision stores, and disbursements for the use of the garrison at Goree —	3505	8	5			
29. To do. for sundry goods shipped for the use of the troops in garrison at Goree -	[illegible]	3	10			
June 19 To do for provisions sent to do. ——	2014	3	9			
Aug 29. To do. for wine and other articles sent to do.	2957	6	9			
				10413	2	9
June 23 To Sir George Wombwell, contractor for victualling the garrison of Gibraltar for victualling the same, between the 17th Jan, and 12th March, 1780 ———				8391	9	6
				916770	19	[illegible]

Towards

1780.

Towards the expence of proviſions delivered to the Britiſh forces in North America, Nova Scotia, Newfoundland, &c. apply the ſum voted upon eſtimate 1780, for that ſervice	112927	4	0			
Towards the expence of proviſions delivered to the foreign do. ſerving in do. apply the ſum voted upon do.	48801	10	6			
Towards the expence of proviſions delivered to the Britiſh do. ſerving in the Weſt Indies, apply the ſum voted upon do.	17732	14	0			
Alſo the ſum ſtopped for proviſions delivered to the ſaid forces, between the 25th of June, 1779, and 24th Dec. following	69237	12	4½			
Do. for do. delivered to the ſaid forces, between the 25th of Dec. 1779, and the 24th June, 1780	64399	3	11½			
Towards the expence of proviſion delivered to the corps in Africa, apply the ſum voted upon eſtimate 1780, for that ſervice	5000	0	0			
Towards the expence of proviſions delivered to the Britiſh forces ſerving at Gibraltar, apply the ſum voted upon eſtimate 1780, for that ſervice	29878	11	2			
Alſo the ſum voted upon do. for proviſions delivered to the foreign do. ſerving in do. garriſon	9390	10	2½			
				357367	6	2½
				559403	13	4½

Mar. 20. To Thomas Harley, eſq. upon account for proviſions ſent by him for the ſupply of the garriſon of Minorca	14000	0	0
July 20 To do. for do. ſervice	6000	0	0
21. To do. for a balance of an account of beef ſent to do. garriſon, between the 21ſt Dec. 1773, and 30th Jan. 1780	4254	13	6
May 1. To Thomas Farrer, eſq. for a cargo of wheat, ſhipped for the uſe of do. garriſon	1190	0	0

To

	£.	s.	d.
1780.			
To do. for do. service —	896	12	6
To do. for do. service — —	883	18	0
	27225	4	9
April 11. To Henry Budd, esq, for keeping up provisions in the island of Jersey	313	0	4
May 19. To do. for do. service in the island of Guernsey —	313	0	4
Aug. 11. To do. for do. service in do	313	0	4
Nov. 24. To do. for do. service in the island of Jersey — —	313	0	4
April 11. To William Budd, esq. for keeping up provisions in the island of Jersey	300	0	0
May 19. To do. for do. service in the island of Guernsey —	300	0	0
Nov. 13. To do. for do. service in do	[illegible]00	0	0
24. To do for do. service in the island of Jersey	[illegible]00	0	0
	[illegible]	1	4
June 28. To Simon Fraser esq. being a balance due and payment to him for furnishing bread, wood, &c. to the forces encamped in the year 1778	14665	12	5
Mar. 20. To John [illegible], esq. upon account for supplying do. to the forces encamped in the summer 1779 —	8500	0	0
July 19. To do. for do. service	1500	0	0
May 19. To Mathew Co[illegible], esq. by way of advance, on account for supplying do. to the forces encamped in the summer 1780 —	10000	0	0
July 7. To do. in further advance in do. service	4500	0	[illegible]
2[illegible]. To do. in further advance for do. service	4500	0	0
Aug. 11. To do. in further advance for do. service — —	45[illegible]0	0	0
[illegible]. To do. in further advance for do. service	4[illegible]00	0	0
Sept. 19. To do. in further advance for do. service — —	4500	0	0
[illegible]. To do. in further advance for do. service	4500	0	0
Dec. [illegible]. To do. in further advance for do. service — —	4[illegible]07	1	1
	65672	13	6
Mar. 2[illegible]. To Messrs. Mure, Son, and Atkinson, for freight of [illegible] ships employed in carrying provisions and [illegible] to North America, for the use of the [illegible] —	915	18	8
To [illegible] do. service — —	1939	1	[illegible]

To

1780.	£.	s.	d.
To do. for do. service	1092	10	11
To do. for do. service	482	6	6
To do. for do. service	216	19	1
To do. for do. service	1440	17	10
To do. for do. service	1633	6	9
To do. for do. service	752	7	4
To do. for do. service	17414	9	1
May 1. To do. for do. service	689	7	9
To do. for do. service	2529	15	8
To do. for do. service	465	5	6
To do. for do. service	726	19	10
To do. for do. service	510	0	9
To do. for do. service	10734	15	0
26. To do. for do. service	3309	6	1
To do. for do. service	158	6	9
To do. for do. service	929	6	8
To do. for do. service	376	7	2
To do. for do. service	419	19	1
To do. for do. service	5001	15	11
June 30. To do. for do. service	915	18	8
To do. for do. service	694	5	[illegible]
To do. for do. service	216	19	1
To do. for do. service	5433	9	11
July 31. To do. for do. service	499	7	7
To do. for do. service	7992	12	6
To do. for do. service	1939	1	1
To do. for do. service	182	14	0
To do. for do. service	379	7	1
Aug. 21. To do. for do. service	1453	1	5
To do. for do. service	689	7	9
To do. for do. service	1071	16	9
To do. for do. service	25275	0	3
Oct. 4. To do. for do. service	1197	5	10
To do. for do. service	155	6	9
To do. for do. service	746	12	8
To do. for do. service	694	5	2
To do. for do. service	376	7	2
To do. for do. service	216	19	1
To do. for do. service	4732	3	5
To do. for do. service	1135	3	6
Nov. 24. To do. for do. service	438	9	7
To do. for do. service	1293	10	4
To do. for do. service	182	14	0
To do. for do. service	6253	5	5
Dec. 21. To do. for do. service	633	7	2
To do. for do. service	4,0	2	11
	112010	17	8

Mar.

	£.	s.	d.
1780.			
Mar. 20. To Meſſrs. Mure, Son, and Atkinſon, for the hire and maintenance of extra ſeamen put on board ſundry ſhips employed in carrying proviſions and ſtores to North America, for the uſe of the forces there	4262	7	6
May 1. To do. for do. ſervice	13401	1	4
26. To do. for do. ſervice	5190	9	9
June 30. To do. for do. ſervice	1101	4	1
July 31. To do. for do. ſervice	3854	12	1
Oct. 24. To do. for do. ſervice	1097	12	11
Dec. 21. To do. for do. ſervice	7161	7	2
	36068	14	10
June 30. To Meſſrs. Mure, Son, and Atkinſon, for the value of the ſhip Duke of Leinſter, taken by the French, while employed in carrying proviſions to North America	2826	5	4
Aug. 21. To do. for the value of the ſhip Harmonia, taken by the enemy while employed in carrying oats to America	1507	10	4
	4333	15	8
Aug. 31 To the Hereditary Prince of Heſſe Caſſel, for levy money, for 70 Hanau recruits	505	6	3
Nov. 14. To the Margrave of Anſpach, towards payment of an account of pay and levy money for recruits	1230	0	0
To the landgrave of Heſſe, for levy money for 931 recruits, for the troops of the ſaid landgrave	6720	13	1
17. To the prince of Anhalt Zerbſt, for do. for 172 recruits	1602	11	3
	10,058	10	7
Mar. 20. To Meſſrs. Mure, Son, and Atkinſon, for ſhoes ſent to Jamaica	1556	15	1
To do. for cloathing, horſe accoutrements, and ſtores ſent to Georgia, for the ſervice of the forces there	2193	5	9
July 14. To do. for barrack furniture, and other ſtores, ſhipped for the forces in Canada	7643	17	7
To do. for vinegar ſent to America, for the ſervice of the forces there	2230	3	2
31. To do. for oats ſent for the uſe of the forces in North America	23420	3	1

Aug.

	£.	s.	d.
1780.			
Aug. 11. To do. for camp equipage, accoutrements, cloathing, and stores, shipped for the service of the forces in America ———	9356	1	1
To do. for do. service —— —	6830	10	7
Oct. 24. To do. for oats sent for the use of the forces in North America ———	3918	19	8
Nov. 28. To do. for accoutrements, cloathing, and stores, sent to America, for the service of the forces there ——— ——	7703	5	7
To do. for camp equipage, accoutrements, and stores, sent to do. for the service of do. forces	1699	12	0
July 14. To Thomas Harvey, Esq. for cloathing, blankets, and hose, sent for the service of the army in Canada ——— ——	6468	12	6
24. To do. for cloathing sent to the Provincial troops in North America —— —	9733	6	2
To do. for do. service —— —	9282	4	8
To do. for sundry articles of clothing, sent for the use of the army in do. ——	6491	11	5
To do. for sundries do. for the 10th, 45th, and 52d regiments of foot, to replace the cloathing of these regiments, taken for the use of the Provincial troops ——— ———	3189	8	4
1781.			
Jan. 12. To do. for blankets provided for the troops in the West Indies ———	1471	5	9
March 11. To William Knox, Esq. for presents to the Indians on the Musquito shore	4731	17	0
May 1. To do. for presents to the Indians in Canada ——— ———	13024	10	6
To do. for presents to the Indians in the South part of America —— —	8372	1	6
Dec. 14. To do. for presents to the Indians in West Florida ——— ——	7225	5	11
March 23. To John Trotter, Esq; for hospital bedding, and divers utensils for the use of the forces in St. Lucia —— —	2068	18	3
April 7. To do. for do. for the use of the forces in Jamaica ——— ——	2999	10	3
May 2?. To do. for do. for the use of the forces in North America —— ——	6565	18	0
Sept. 25. To do. for stores for the hospital in North America, and for the use of the sick in the infirmary at Strombolo house, Chelsea, in the year 1780 —— —— —	1734	19	7
1779.			

Dec. 1. To Capt. William Barrington, in consideration of the losses he sustained in the Assi-

 stance

	£.	s.	d.
1779. ſtance tranſport brig, in his paſſage to Halifax, and in the Minerva tranſport in returning from Rhode Iſland to New York — —	71	18	0
1780. Feb. 8. To Capt. Stephen Watts, for the cure of a wound received in action near Fort Stanwix, in North America — —	100	0	0
To Capt. Edward Barron, being his Majeſty's bounty for the loſs of the uſe of his leg, in the action at Bunker's Hill, 17th June 1775 —	90	8	4
March 1. To the repreſentatives of the late Major General Scot, for cloathing of the 26th regiment, taken by the rebels in Canada, An 1775	969	13	0
To Colonel George Garth, for the loſſes he ſuſtained in baggage and camp equipage, by the capture of the ſhip Champion by the French	160	0	0
13. To Mr. James Mc Ilraith, for the value of ſundry articles delivered at Goree, for his Majeſty's ſervice — —	1172	1	0
17. To Captain John Jones, in conſideration of his loſſes by the capture of the ſhip Champion, taken by the French the 24th Sept. 1779 —	41	0	0
20. To Mr. James Thomas, for bread ſupplied for the uſe of the government of Grenada	101	7	1
22. To Mr. Richard Fitter ort, for repairs of his ſhip, damaged during the invaſion of Quebec, in the years 1775 and 1776 — —	70	13	0
April 20. To Captain Urquhart, for loſſes ſuſtained by him by the capture of the ſloop Berſey, in 1775 — — —	46	0	0
May 5. To Alexander Roſs, Eſq; for ſundry articles provided for the troops in Virginia, and for his pay, in the year 1776 —	1996	12	6
8. To the Captains of the 16th regiment of dragoons, for their contingent allowance from 25th June 1776 to 24th December 1778 —	760	15	0
10th. To Meſſrs. Shubrick and Clemſon, for the charges of a boat for the forces in South Carolina, from 28th May 1775 to 28th Jan. 1776	218	14	2
22d. To Lieutenant Robert Franklin, of the 42d regiment of foot, for loſſes ſuſtained by being taken by a rebel privateer — —	48	8	0
26. To Mr. Gilbert Hillock, for his contingencies as barrack maſter, &c. in the iſland of St. Vincent's, to the 15th June 1779 —	222	2	4
June 2. To Captain Mc Laughlin, of the 55th regiment of foot, for loſſes ſuſtained by being			

1780.	£.	s.	d.
ing shipwrecked on the coast of Ireland, in his return from North America	43	4	0
To Captain Cathcart, of the 77th regiment of foot, for losses sustained by being taken by a rebel privateer, in his passage from New York to England	54	4	6
15. To Messrs. Adair and Co. for losses sustained by the officers of the 4th regiment of foot, by being taken off the Grenades by the Count D'Estaing	165	14	6
16. To John Fraser, Esq; acting deputy paymaster at Montreal, for the contingencies of his department	250	0	8
29. To Thomas Wilkieson, for the amount of brandies taken out of a Dutch ship by the order of Governor Elliot, for the use of the garrison of Gibraltar	2343	0	2
July 4. To John Wentworth, Esq; being the balance of his account as governor of New Hampshire, from 13th June 1775 to 25th March 1777	781	6	4
6. To Messrs. Meyricks, to be by them paid over to sundry officers for conducting drafts for the forces in North America	100	0	0
8. To the Hereditary Prince of Hesse, for pay advanced to an additional company of Hanau Chasseurs, and some recruits for the troops of Hanau, from the days of their respective enlistments to the 29th March 1779; for levy money for the said company and recruits; for expences on the march of do. to Portsmouth; and for proportional subsidy for the said company, from the 29th March 1779 to 24th December following	2195	7	0
14. To Mary Mince, widow and administratrix of the late William Mince, for the hire of a vessel to bring dispatches from Gambia	150	0	0
22. To Captain William Horne, pay-master of the 48th regiment of foot, to reimburse sundry sums expended for public services at Grenada, in November 1778	446	2	0
26. To George Leonard, Esq; in part of payment for services performed in North America	2000	0	0
To Major William Agnew, of the 24th regiment of foot, for the cure of a wound he received in America in 1777	135	5	11
August 5. To Lieutenant Colonel Charles O'Hara, late governor of Senegambia, towards further payment of his contingent disbursements for the service of that province	2000	0	0

	£.	s.	d.
1780.			
10. To Mr. Joseph M'Laughlin, for sundry articles provided by him as commissary and barrack master at Grenada — —	637	6	4
11. To Mr. Robert Aynsley, for the value of a vessel and cargo, and the hire thereof, impressed in the river Gambia, which fell into the hands of the French on the surrender of that garrison	1508	7	2
21. To John Christopher, Esq, for his expences in coming from Jamaica, by order of Governor Dalling, with plans of war against Spain	200	0	0
To Captain John M nev, for examining and stating the accounts of Jacob Jordan, contractor for furnishing horses, waggons, &c to the army in Canada, in the year 1777 —	200	0	0
23 To the Prince of Waldeck, in part of extra claims for Waldeck troops —	26,0	0	0
30 To Lieutenant Smollet Campbell of the 71st regiment of foot, for the cure of a wound he received in an action at Savannah, in Georgia	130	0	0
31 To H J Kinlard, Esq to reimburse him sundry sums advanced by him, for pay of two corps of Provincial troops, blown from the coast of America, one of which arrived in England, and the other in Ireland — —	1034	2	0
Sept 12. To Jacob Wilkinson, Esq agent to Patrick Tonyn, Esq governor of East Florida, for a schooner for the service of the said province, for one year, ending 29th August 1781 —	417	5	0
13. To Messrs. Ross and Gray, to be paid over to sundry Officers of the 16th regiment of (light) dragoons, for the losses they sustained in camp equipage, cloathing, and accoutrements, on actual service in North America, or taken at sea by the Rebels or French — —	599	1	10
19. To Mr. John Ruding, late surgeon and purveyor to the hospital in Grenada, for sundry disbursements for the troops in the said hospital	239	8	5
25. To Captain Colin Campbell, of the 71st regiment of foot, for the cure of a wound he received in Georgia the 20th of June 1779 —	50	0	0
29. To Lieutenant Rowland Hazelton, of the 16th regiment of foot, for the expence of the cure of a wound he received in South Carolina in February 1779 — —	21	0	0
Oct. 18 To Captain William Taylor, of the 28th regiment of foot, for the cure of a wound he received in America, in the year 1776 —	20	0	0

To

	£.	s.	d.
1780.			
To Captain Thomas Banks, of the 70th regiment of foot, for losses he sustained by being taken prisoner on his passage from New York —	25	2	6
Nov. 1. To William Bell, Esq. for the contingent disbursements of the Hanoverian battalions at Gibraltar and Minorca, from 25th December 1778 to 24th December 1779 —	405	9	8
To Lieutenant General James Murray, to make good the deficiency in the revenues applicable to the contingent expences of the government of Minorca, for one year, to the 25th June 1780	499	10	9
17. To the Duke of Brunswick, in part of an account of contingent expences for Brunswick troops — — —	2600	0	0
Dec. 8. To Captain James Douglas, of the 15th regiment of foot, for losses by the capture of the Symmetry brig by the Rebels, in the river Delaware, in the year 1777. —	29	15	0
To Lieutenant Sir William Twysde, Bart. of the 7th regiment of foot, for losses he sustained in the Æolus transport past to Sullivan's Island —	38	15	0
To Brigade Major Frederick Bo[illegible]es, of the 64th regiment of foot, for losses he sustained on board the Æolus transport, which was blown up off Fort Sullivan, in the month of April 1780	20	10	0
22. To Lieutenant Colonel William Shirreff, for cattle, sheep, &c. furnished for the use of the army at Boston, in the year 1775	671	4	2
1781.			
Jan. 9. To Captain Chaloner Ogle, being his Majesty's bounty for the loss of his left arm, in action, on board the fleet under the command of Sir G. B. Rodney, the 17th April 1780 —	182	10	0
12. To Lord Howe, for presents to Indians in the Gulph of St. Lawrence, and other expences, to compose a misunderstanding between the said Indians and the crew of the Viper sloop, in the year 1778 — —	156	18	4
15. To Mrs. Margaret Gilchrist, in consideration of her husband being killed in North America, the 28th June 1778 — —	85	3	4
17. To Captain Donald Mc Donell, of the 71st regiment of foot, for the expence attending the cure of two wounds he received at the storming of Fort Clinton, on the North River, the 6th October 1777 — —	34	0	0
25. To Lieutenant George Fall, late commandant of Fort Lewis, Senegal, for sundry sums of			

money

				£.	s.	d.
1781. money expended by him for the service of the garrison there —— ——				122	7	1
				179,223	17	4
1780. Feb. 5. To bills of exchange drawn by William Stuart, Esq for public services ——				1643	5	1
To do. drawn by William Newton, Esq for do.				2300	0	0
To do. drawn by Evan Mc Laurin, Esq. for do.				200	0	0
To do. drawn by Valentine Morris, Esq. for do. —	1348	5	4			
June 1. To do. for do. service	892	12	0			
July 8. To do. for do. service	343	5	0			
1781. Jan. 26. To do. for do. service	430	0	0			
				3004	2	4
1780. Feb. 15. To bills of exchange drawn by James Murray, Esq. for public services ——	421	17	3			
April 12. To do. for do. service	1642	19	7¾			
June 1. To do. for do. service	1887	11	4¾			
July 8. To do. for do. service	8427	16	2			
Sept. 15. To do. for do. service	3134	8	4			
				15514	12	9½
Feb. 15. To bills of exchange drawn by Patrick Tonyn, Esq. for public services ——	4000	0	0			
Sept. 15. To do. for do service	2000	0	0			
				6000	0	0
Feb. 15. To bills of exchange drawn by George Etherington, Esq. for public services				10972	4	2
April 12. To bills of exchange drawn by John Graham, Esq, for public services ——	1054	19	0½			
June 1. To do. for do. service	1510	19	3½			
Dec. 7. To do. for do. service	1004	12	1			
				3579	10	5
April 12. To bills of exchange drawn by Lord Macartney, for public services ——				2500	0	0
To bills of exchange drawn by Andrew Rainsford, Esq. for public services ——	474	18	0			
June 1. To do. for do. service	7117	10	5¼			
July 8. To do. for do. service	716	10	8			
Dec. 14. To do. for do. service	1601	6	8½			
				9940	5	9¾

April

				£.	s.	d.
1780.						
April 12. To bills of exchange drawn by A. Prevoſt, Eſq. for public ſervices ——	2300	0	0			
Sept. 15. To do. for do. ſervice	3000	0	0			
				5300	0	0
April 12. To bills of exchange drawn by Meſſrs. Brame and Collet, for public ſervices ——				2712	6	4
To do. drawn by George Fall, Eſq. for public ſervices —— ——				450	0	0
To bills of exchange drawn by John Dalling, Eſq. for public ſervices ——	9546	8	6			
June 1. To do. for do. ſervice	2762	11	4¼			
July 8. To do. for do. ſervice	19130	13	3			
Sept. 15. To do. for do. ſervice	22324	6	1			
Nov. 7. To do for do. ſervice	3000	0	0			
Dec. 14. To do. for do. ſervice	46335	1	4½			
				103099	0	6¾
June 1. To bills of exchange drawn by S. Abudarham, Eſq for public ſervices ——				157	7	10
To bills of exchange drawn by Alexander Cameron, Eſq. for public ſervices ——	2831	4	5			
Nov. 7. To do. for do. ſervice	2314	13	6¼			
				5145	17	11¼
July 8. To bills of exchange drawn by Philip Calbeck, Eſq. for public ſervices ——				137	7	0
To do drawn by James Rooke, Eſq. for public ſervices —— ——				455	19	0
To bills of exchange drawn by John Campbell, Eſq. for public ſervices ——	4407	7	6			
Nov. 7. To do. for do. ſervice	5364	3	0½			
Dec. 14. To do. for do. ſervice	965	9	6			
1781.						
Jan. 16. To do. for do. ſervice	18194	3	9			
26. To do. for do. ſervice	7273	8	4¾			
1780.				36204	12	2¼
July 8. To bills of exchange, drawn by G. A. Elliott, Eſq. for public ſervices ——	9665	12	8			
Nov. 7. To do. for do. ſervice	8137	10	0			
Dec. 7. To do. for do. ſervice	8473	10	4			
				26276	13	0
July 8. To bills of exchange drawn by William Faucitt, Eſq. for public ſervices ——	540	0	0			

Sept.

				£.	s.	d.
1780. Sept. 15. To bills of exchange drawn by William Faucitt, esq. for public services	2560	6	4			
Nov. 7. To do. for do. service	530	0	0			
				3630	6	4
Sept 15. To bills of exchange drawn by Thomas Brown, esq. for public services	500	0	0			
Nov. 7. To do. for do. service	536	6	5			
				1036	6	5
To bills of exchange drawn by George Adams, esq. for public services				1437	9	0
Dec. 7. To ditto drawn by Peter Chester, esq. for do.				2863	19	2½
To do. drawn by Frederick Haldimand, esq. for do.				5850	0	0
Jan. 16, 1781. To do. drawn by Daniel Mc Neil, esq. for do.				858	8	0
26. To do. drawn by Rob. Pringle, esq. for do.				2351	16	0
July 1, 1779. To do. of this date, drawn by Robert Haldane Bradshaw, esq. deputy paymaster of the forces in the West Indies, on account of extraordinary expences for the use and service of the said forces	1229	6	8			
Jan. 22, 1780 To do. of this date, drawn by do. for do. service	3098	15	0			
March 15. To do. of this date, drawn by do. for do. service	300	0	0			
April 25. To do. of this date, drawn by do. for do. service	4282	9	0			
28. To do. of this date, drawn by do. for do. service	11185	17	4			
May 20. To do. of this date drawn by do. for do. service	9312	16	4			
June 17. To. do. of this date, drawn by do. for do. service	595	10	0			
30. To do. of this date, drawn by do. for do. service	764	0	0			
Sept. 1. To do. of this date, drawn by do. for do. service	6375	5	0			
				37143	19	4
				291765	8	9

Feb.

	£.	s.	d.
1780.			
Feb. 9. To sundry general and staff officers, and officers of the hospitals in Great Britain, for their pay in the years 1778 and 1779	7410	16	0
29. To Robert Gordon, esq. for 92 days pay, as commissary of provisions at Corke, to Nov. 21, 1779	92	0	0
To M. G. William Faucitt, for 92 days pay, as commissary in Germany, to Feb. 2, 1780	460	0	0
March 7. To Jonathan Clarke, gent. for 184 days pay, as assistant commissary in America, to Sept. 30, 1779	184	0	0
To Major Duncan Drummond, for 309 days pay, as commissary of accounts in America, to Dec. 21, 1779	927	0	0
20. To Colonel John Burgoyne, for 184 days pay, as a commissary for mustering foreign troops in North America, to January 29, 1780	368	0	0
22. To John Fenton, esq. for 184 days pay, as captain and commander of William and Mary fort, in New-Hampshire, to Jan. 5, 1780	184	0	0
23. To M. G. George Morrison, for 730 days additional pay, as quarter-master general, to Dec. 24, 1779	730	0	0
31. To Messrs. Powell and Cooke, for the pay of several supernumerary officers of invalids lately reduced, from December 25, 1778, to December 24, 1779	1431	12	11
April 7. To Sir William Howe, for his pay as commander in chief in North America, from May 24, 1778, to July 2, following, being the day of his landing in England	390	0	0
20. To Captain Richard Bailey, for 366 days pay, for superintending the embarkation of troops, &c. to North America, to March 10, 1780	183	0	0
May 5. To F. W. Hecht, esq. for 265 days pay, as assistant commissary in America, to Dec. 24, 1779	265	0	0
To Roger Johnson, esq. for 183 days pay, as assistant commissary in North America, to Dec. 20, 1779	183	0	0
10. To Sir John Lloyd, for pay as adjutant and quarter master to a detachment of the 75th regiment of foot, from Jan. 2, to August 15, 1779	97	18	8
12. To M. G. Faucitt, for 90 days pay, as commissary for mustering foreign troops in Germany, to May 2, 1780.	450	0	0
24. To Fleetwood Parkhurst, esq. for 172 days pay, as a deputy commissary in Canada, to May 20, 1780	258	0	0

To

	£.	s.	d.
1780.			
To J. P. Kiernan, gent. for 767 days pay of Archibald Boiland, deceased, as surgeon's mate at Senegal, to August 22, 1778 —	191	15	0
June 26. To John Drummond, esq. for 183 days pay, as deputy commissary in Canada, to June 24, 1780 —	274	10	0
30. To William Butler, esq. for 265 days pay, as assistant commissary in America, to December 24, 1779 — —	265	0	0
To Gregory Townshend, esq. for 600 days pay, as assistant commissary in America, to Dec. 24, 1779 - - - -	600	0	0
To the hereditary Prince of Hesse, for pay of officers employed in conducting recruits for the Hanau troops to Canada - - - - -	333	15	3
July 12. To Lieutenant Colonel Sir Thomas Egerton, for the pay of a surgeon's mate and two fifers, added to his corps, and difference of pay of two lieutenants and two ensigns, from Oct. 5, 1779 to June 24, 1780 —	99	0	0
21. To John Fenton, esq. for 182 days pay, as captain and commander of William and Mary Castle, in New Hampshire, to July 5, 1780 -	182	0	0
31. To Col. John Burgoyne, for 182 days pay, as commissary for mustering foreign troops in America, to July 20, 1780 - - -	364	0	0
August 11. To Mr. G. William Faucit, for 9[illegible] days pay, as commissary for mustering foreign troops in Germany, to August [illegible], 1780 - - -	160	0	0
12. To Col. John Campbell, for 177 days pay, as brigadier general in North America, to Dec. 24, 1777 - - - -	265	10	0
23. To John Morrison, esq. for 285 days pay, as deputy commissary in America, to July 5, 1780	427	10	0
Sept. 19. To George Brinley, esq. for 183 days pay, as deputy commissary in America, to April 3, 1780 - - -	274	10	0
21. To Daniel Wier, esq. for 365 days pay, as commissary general in North America, to Dec. 24, 1779 - - - - - -	1095	0	0
Oct. 24. To Frederick William Hecht, gent. for 169 days pay, as assistant commissary in America, to June 20, 1780 - -	169	0	0
To William Butler, gent. for 233 days pay, as assistant commissary in North America, to Aug. 13, 1780 - - -	233	0	0
31. To Francis Rush Clarke, esq. for 366 days pay, as inspector and superintendant of the provi-			

sion

1780.	£.	s.	d.
sion train of horses and waggons, attending the army in North America, to April 3, 1780 -	366	0	0
November 7. To M. G. William Faucitt, for 92 days pay, as commissary for mustering foreign troops in Germany, to Nov. 2, 1780 -	460	0	0
14. To Jonathan Clerke, gent. for 183 days pay, as assistant commissary in America, to March 31, 1780 - - - - - - - - -	183	0	0
To Nathaniel Day, esq. for 325 days pay, as commissary in Canada, to Sept. 12, 1780 - -	650	0	0
To Daniel Wier, esq. for 365 days pay, as superintendant of forage to the army in America, to 1st February 1780 —— —	730	0	0
To Peter Paumier, esq. for 366 days pay, as deputy commissary in North America, to 2d April 1780 —— ——	549	0	0
December 14. To Fleetwood Parkhurst, esq. for 194 days pay, as deputy commissary in Canada, to 30th November 1780 ——	291	0	0
21. To Mess. Gray and Ogilvie, for the pay of nine additional surgeon's mates to Major Dalrymple's corps of foot at Jamaica, for several detachments of the said corps, from 17th February 1777, to 25th December 1778 ——	687	14	0
1781.			
Jan. 11. To Major General Thomas Clarke, for 226 days pay, as major general in Canada, with one aid de camp, to 24th December 1780 —	590	0	0
15. To Robert Adair, esq. for 366 days pay, as inspector general of the hospitals, to 24th December 1780 —— —	732	0	0
17. To Mess. Powell and Cooke, for the pay of several supernumerary officers of the invalids lately reduced, from 25th December 1779, to 24th December 1780 —— ——	1403	11	7
24. To Major General Morrison, quarter master general, for the pay of two assistants, from 25th December 1779, to 24th December 1780 —	183	0	0
25. To Isaac Winslow Clarke, gent. for 366 days pay, as assistant commissary in Canada, to 20th October 1780 ——	366	0	0
To do. for 101 days pay, as a deputy commissary in Canada, to 8th July 1776 ——	101	0	0
To John Fenton, esq. for 184 days pay, as captain and commander of William and Mary Fort, in New Hampshire, to 5th January 1781 —	184	0	0
To James Farquharson, esq. for 366 days pay, as assistant commissary in Canada, to 18th September 1780 —— ——	366	0	0

	£.	s.	d.
1781.			
To John Drummond, Eſq. for 183 days pay, as deputy commiſſary in Canada, to 24th December 1780 —— ——	274	10	0
31. To Lieutenant Colonel Robert Kingſton, for 555 days pay, as deputy adjutant general in North America, to 30th September 1779 —	277	10	0
To 366 days allowance to Major Hayman Rooke, as major to the late 98th regiment of foot, to 24th December 1780 ——	274	10	0
To 366 days pay of George Munro, Eſq. as commiſſary of ſtores in North Britain, to do.	183	0	0
To 366 days allowance to Lieutenant Colonel Birch, in lieu of a troop of light dragoons, to do.	283	13	0
To 366 days do. to Major General Preſton, in lieu of do. to do. —— —	283	13	0
To 17 days pay of John Montagu, Eſq. as governor of Newfoundland, to the 1ſt April 1779	25	10	0
To 366 days do. of Richard Edwards, Eſq. as do. to 1ſt April 1780 —— —	549	0	0
	28962	9	5
Feb. 23. To Sir John Inglis, baronet, and Thomas Dundas, Eſq. executors to the late Colonel James Maſterton, for oat-meal, firing, candles, &c. furniſhed to the forces at Fort William, Caſtle Duart, Fort Auguſtus, Fort George, and the barracks of Bernara, Invernaid, Corgarff, and Braemer, and the out-poſt ſtations in their neighbourhood, from 1ſt January 1779, to 31ſt December following, both incluſive ——	3525	3	6
March 31. To Sir James Adolphus Oughton, for contingent expences in North Britain —	300	0	0
April 7. To Major General Robert Skene, for expences of embarking ſundry regiments in North Britain, in the ſpring 1779 ——	186	2	8
18. To the bank of Scotland, for one year's allowance for furniſhing ſpecie to the troops in North Britain, to Chriſtmas 1779 ——	225	4	2
1780.			
Aug. 30. To Captain John Cleve Pleydell, being an allowance for aſſiſting to complete a plan of North Britain, for 731 days, to 24th June 1780	365	10	0
	4602	0	4
Feb. 11. To Mr. Samuel Martin, on account, for 148 chaldrons of coals delivered at New York, for the uſe of the forces there ——	666	0	0

23 To

	£.	s.	d.
1780.			
23. To Joshua Darwin, Esq. for coals, candles, &c. furnished by him for the forces in Tynmouth barracks, to 24th December 1779 —	105	12	0
March 1. To H. Henderson, Esq. for coals, candles, and divers utensils provided for the use of the barracks at Portsmouth —	288	15	4
To the Earl of Darlington, for coals and candles for the use of the forces in the garrison of Carlisle, from 25th December 1778, to 24th December 1779 — —	78	8	0
9. To Lieutenant Governor Singleton, for do. for the use of the forces in Landguard fort, from 25th June to 24th December 1779 —	163	16	10
April 20. To Andrew Clinton, Esq. upon account, to enable him to provide do. for the use of the forces in the barracks at Plymouth dock —	500	0	0
27. To Lieutenant Governor Wemyss, for do. for the forces in Edinburgh castle, from 1st January to 31st March 1780 —	172	17	9
29. To Mr. Samuel Martin, on account, for coals delivered at Rhode Island, for the use of the forces there — —	1800	10	11
To do. for do. service —	1139	6	1
May 10. To Captain George Brisac, for coals and candles for the use of the forces in Chatham barracks, from 5th October 1779, to 5th April 1780 — —	1799	19	8
June 21st. To Lieutenant Governor Corbett, for coals for the forces in Jersey, for 1 year, to Lady-Day 1780 — —	1420	3	2
To do. for candles for do. in do. for 1 year, to do. — —	131	5	6
29. To Andrew Clinton, Esq. on account, to enable him to provide coals and candles for the use of the forces at Plymouth Dock —	500	0	0
July 6. To E. B. De la Fontaine, Esq. for do. for the additional companies and recruits of the foot guards in the Savoy Barracks, from 25th December 1779, to 24th June 1780 —	218	11	4
20. To Andrew Clinton, Esq. on account, to enable him to provide do. for the use of the forces at Plymouth Dock —	500	0	0
To Lieutenant Governor Wemyss, for do. for the forces in Edinburgh Castle, from 1st April to 30th June 1780 — —	206	12	6
21. To Mr. Samuel Martin, upon account, for coals delivered at New York, for the use of the forces there — —	1075	18	1

Aug.

	£.	s.	d.
1780.			
Aug. 12. To Andrew Clinton, Esq. for coals, candles, and sundry utensils for the troops in the citadel of Plymouth, and St. Nicholas Island, from 25th December 1779, to 24th June 1780 —	564	6	5
Sept. 25. To A. Singleton, Esq. for coals, candles, &c. for the use of the forces in Landguard Fort, from do. to do — —	164	12	9
Sept. 29. To Joshua Darwin, Esq. for coals and candles for the forces at Tynmouth barracks, to 25th August 1780 —	114	0	2
To Thomas Best, Esq. for do. for the forces in Dover Castle, from 25th June 1779, to 24th June 1780 — —	803	19	7
Oct. 11. To Lieutenant Governor Wemyss, for do. for the troops in Edinburgh Castle, from 1st July to 30th September 1780 —	204	1	0
Nov. 1 To Moses Corbet, Esq. for do for the 95th regiment of foot in Jersey, from 13th June 1780, to Lady-Day 1781 —	644	5	10
23. To Mrs. Mary Brisac, administratrix of Captain George Brisac, for do. for the forces at Chatham barracks, from 5th April to 5th October 1780 — —	1305	1	10
Dec. 8. To Andrew Clinton, Esq. on account, to enable him to provide do. for the forces at Plymouth dock — —	500	0	0
1781.			
Jan. 24. To do. for coals, candles, and utensils for the citadel of Plymouth and St Nicholas Island, from 25th June to 24th December 1780	226	14	0
To F. B. De la Fontaine, Esq. barrack master of the Savoy, for supplying additional companies and recruits of the foot guards with coals and candles in the said barracks, between 25th June and 24th December 1780 —	178	1	10
To Lieutenant Governor Wemyss, for coals and candles for the forces in Edinburgh Castle, from 1st October to 31st December 1780 —	203	14	0
	15676	14	7
1780.			
April 7. To M. G. Manners, for grass money for the 19th regiment of dragoons, in the Summer 1779 — —	479	8	4
To the Earl of Pembroke, for do. for the 1st regiment of do. in do. Summer —	340	19	7
To M. G. Philipson, for do. for the 20th regiment of do. in do. Summer —	496	5	9

To

	£.	s.	d.
1780.			
To Lieutenant General James Johnston, for do. for the 6th regiment of do. in do. Summer —	347	13	9
To Sir George Howard, for do. for the 1st regiment of dragoon guards, in do Summer —	558	17	2
27. To Lord Robert Manners, for do. for the 3d regiment of do. in do. Summer ——	338	8	6
May 8. To Lieutenant General James Johnston, for do. for the 11th regiment of dragoons, in do. Summer —— —	318	18	9
24. To Lieutenant General Carpenter, for do. for the 4th regiment of do. in do. Summer	638	13	0
To Lord Viscount Townshend, for do. for the 2d regiment of dragoon guards, in do. Summer	329	1	3
To the Earl of Panmure, for do. for the 2d regiment of dragoons, in do. Summer ——	292	8	9
To Lieutenant General Fitzroy, for do. for the 3d regiment of do. in do. Summer ——	641	5	6
June 2. To General Elliott, for do. for the 15th regiment of do. in do. Summer ——	583	14	0
To Lord Viscount Townshend, for do. for the 2d regiment of dragoon guards, in the Summer 1777 —— ——	393	14	6
6. To General Elliott, for extra feeding, and allowance to the non-commissioned officers and private men of the 15th regiment of (light) dragoons, while attending the royal family, in the year 1779 — —	300	0	0
July -. To M. G. Douglass, for grass money for the 21st regiment of dragoons, in the Summer 1779	494	17	7
Nov. 15. To Lieutenant General James Johnston, for do. for the 11th regiment of do. in the Summer 1780 — —	638	13	0
29. To M. G. Douglass, for do. for the 21st regiment of do. in do. Summer —	957	17	0
To the Earl of Pembroke, for do. for the 1st regiment of do. in do. Summer —	638	13	0
To Sir George Howard, for do. for the 1st regiment of dragoon guards, in do. Summer —	957	17	0
To M. G. Manners, for do. for the 19th regiment of dragoons, in do. Summer —	957	17	0
Dec. 15. To Lieutenant General James Johnston, for do. for the 6th regiment of do. in do. Summer — —	638	13	0
To Lieutenant General Carpenter, for do. for the 4th regiment of do in do. Summer —	638	13	0
To Lord Robert Manners, for do. for the 3d regiment of dragoon guards, in do. Summer	638	13	0

To

	£.	s.	d.
1780.			
To Lord Viſcount Townſhend, for do. for the 2d regiment of do. in do. Summer —	638	13	0
To Sir H. Clinton, for do. for the 7th regiment of dragoons, in do. Summer — —	655	9	0
To Meſſ. Cox, Mair and Cox, for do. of the 10th regiment of do. in do. Summer, —	655	9	0
21. To Major Liſter, for do. for his regiment of do. in do. Summer — —	480	2	0
To Lieutenant Colonel J. B. Holroyd, for do. for the 22d regiment of do. in do. Summer --	638	13	0
1781.			
Jan. 15. To. M. G. Phillipſon, for do. for the 20th regiment of do. in do. Summer —	957	17	0
	16654	5	5
1780.			
March 9. To Lieutenant Colonel Holroyd, for the ſubſiſtence of the non-commiſſioned officers and private men of his regiment of dragoons, from the reſpective dates of their atteſtations to the 14th December 1779 (excluſive) the commencement of their eſtabliſhment —— ——	1224	6	3
To Colonel Dudley Ackland, for ſubſiſtence of do. of his regiment of foot, from do. to the 1ſt December 1779 (excluſive) the commencement of their eſtabliſhment ———	1786	11	4
April 12. To Colonel M'Carmick, for ſubſiſtence of do. of his regiment of foot, from do. to the 7th of February 1780 (excluſive) the commencement of their eſtabliſhment ——	2225	11	2
May 10. To Colonel Tottenham, for ſubſiſtence of do of his regiment of foot, from do. to the 25th November 1779 (excluſive) the commencement of their eſtabliſhment —	2039	19	8
To Lord Viſcount Chewton, for ſubſiſtence of do. of his regiment of foot, from do. to 4th October 1779 (excluſive) the commencement of their eſtabliſhment ——— ——	1154	6	8
Aug. 4. To the colonels of ſundry regiments of militia, for ſubſiſtence of additional companies to their reſpective regiments, previous to their eſtabliſhment —— ——	849	12	5
12. To Lieutenant Colonel Fullarton, for ſubſiſtence of the non-commiſſioned officers and private men of his regiment of foot, from the reſpective dates of their atteſtations, to the 20th May 1780 (excluſive) the commencement of their eſtabliſhment ——— ———	1059	1	6

To

	£.	s.	d.
1780.			
To Colonel Reid, for subsistence of do. of his regiment of foot from do. to 7th April 1780 (exclusive) the commencement of their establishment	3263	7	0
Aug. 12. To Colonel Dundas, for subsistence of the non-commissioned officers and private men of his regiment of foot, from the respective dates of their attestations, to 2d March 1780 (exclusive) the commencement of their establishment —	2959	8	4
Oct. 24. To Lieutenant Colonel Humberstone, for subsistence of do. of his regiment of foot, from do. to 5th August 1780 (exclusive) the commencement of their establishment ———	2194	7	2
Nov. 1. To Lieutenant Colonel Whyte, for subsistence of do. of his regiment of foot, from do. to 8th April 1780 (exclusive) the commencement of their establishment ———	4104	9	0
16. To Colonel Stanton, for subsistence of do. of his regiment of foot, from do. to 10th April 1780 (exclusive) the commencement of their establishment ——— ———	2876	1	0
Nov. 29. To Lord John Murray, for subsistence of do. of the 2d battalion of the 42d regiment of foot, from do. to 21st March 1780 (exclusive) the commencement of their establishment	1889	19	4
Dec. 8. To the colonels of sundry regiments of militia, for subsistence of additional companies to their respective reg. previous to their establishment	830	6	6
	28457	7	4
1779.			
Oct. 20. To Fountain Elwyn, Esq. to enable him to reimburse the non-commissioned officers and private men of the 70th regiment of foot, the stoppages made for the surgeons and paymasters allowances, from 25th Dec. 1778, to 24th June 1779	121	9	9
1780.			
Jan. 26. To John Lamb, Esq. to enable him to reimburse the non-commissioned officers and private men of the 72d regiment of foot, the stoppages made for the surgeon and paymasters allowances, from 25th June 1779, to 24th Dec. following	137	10	7
Feb. 8. To Alexander Anderson, Esq. to enable him to reimburse do. of the 42d regiment of foot, the stoppages made for do, from do. to do.	165	7	0
23. To Edward Bishop, to enable him to reimburse do. of the 5th and 29th regiments of foot, the stoppages made for do, from do. to do.	237	16	3

To Edmund Armstrong, Esq. to enable him to

1780.	£.	s.	d.
reimburse do. of the 8th regiment of foot, the stoppages made for do. from do. to do. —	120	11	4
March 1. To Mess. Cox, Mair, and Cox, to enable them to reimburse do. of sundry regiments of foot, the stoppages made for do. from do. to do.	3399	9	6
April 7. To Mess. Roberts, to enable them to reimburse do. of sundry regiments of foot, the stoppages made for do. from do. to do. —	329	16	10
To Mess. Bishop and Co. to enable them to reimburse do. of sundry regiments of foot, the stoppages made for do. from do. to do. ——	710	7	1
To Fountain Elwyn, Esq. to enable him to reimburse do. of the 70th regiment of foot, the stoppages made for do. from do. to do. ——	117	0	2
April 12. To Mess. Ross and Gray, to enable them to reimburse the non commissioned officers and private men of sundry regiments of foot, the stoppages made for the surgeon and paymasters allowances, from 25th December 1778, to 24th June 1779 —— ——	2713	13	8
To do. to enable them to reimburse do. of sundry regiments of foots the stoppages made for do. from 25th June 1779 to 24th December following	2702	6	6
27. To Adam Wood, Esq. to enable him to reimburse do. of the 31st regiment of foot, the stoppages made for do. from do. to do. ——	117	9	0
To H. I. Hansard, Esq. to enable him to reimburse do. of sundry regiments of foot, the stoppages made for do. from do. to do. ——	252	13	4
July 12. To Nathaniel Collyer, Esq. to enable him to reimburse do. of Sir T. Egerton's corps of foot, the stoppages made for do. from 5th October 1779, to 24th June 1780 ——	85	14	4
20. To Mess. Meyricks, for bread money to sundry regiments and parties of regiments of foot, in the year 1779 —— —	174	2	9
26. To Mess. Adair and Co. to enable them to reimburse the non commissioned officers and private men of sundry regiments of foot, the stoppages made for the surgeon and paymasters allowances, from 25th December 1779, to 24th June 1780	330	6	8
To John Lamb, Esq. to enable him to reimburse do. of the 72d regiment of foot, the stoppages made for do. from do. to do. ——	137	10	1
Aug. 4. To H. I. Hansard, Esq. to enable him to reimburse the non-commissioned officers and private men of sundry regiments of foot, the stoppages made for the surgeon and paymasters allowances, from 25th December 1779, to 24th June 1780 —	332	2	2

11. To

1780.	£.	s.	d.
11. To Alexander Anderſon, eſq. to enable him to reimburſe do. of the 42d regiment of foot, the ſtoppages made for do. from do. to do.	165	7	0
To Meſſrs. Roſs and Gray, to enable them to reimburſe do. of ſundry regiments of foot, the ſtoppages made for do. from do. to do.	2917	15	0
30. To Meſſrs. Neligan and Roberts, to enable them to reimburſe do. of the 97th regiment of foot, the ſtoppages made for do. from 10th April 1780 to 24th June following	42	8	5
To Meſſrs Roberts, to enable them to reimburſe do. of ſundry regiments of foot, the ſtoppages made for do. from 25th Dec. 1779 to 24th June 1780	329	16	10
Sept. 13. To Meſſrs. Meyricks, to enable them to reimburſe do. of ſundry regiments of foot, the ſtoppages made for do. from do. to do.	1987	6	0
To William Cowden, eſq. to enable him to reimburſe do. of the 29th regiment of foot, the ſtoppages made for do. from do. to do.	117	0	0
To Meſſrs. Cox, Mair and Cox, to enable them to reimburſe do. of ſundry regiments of foot, the ſtoppages made for do. from do. to do.	3303	5	2
Sept. 13. To Meſſrs. Fitter and Co. to enable them to reimburſe the non-commiſſioned officers and private men of the 69th and 91ſt regiments of foot, the ſtoppages made for the ſurgeon and paymaſter's allowances, from 25th Dec. 1779 to 24th June 1780	235	15	11
29. To Fountain Elwyn, Eſq. to enable him to reimburſe do. of the 70th regiment of foot, the ſtoppages made for do. from do. to do.	117	0	0
Oct. 4. To Samuel Clare, Eſq. to enable him to reimburſe do. of the 93d regiment of foot, the ſtoppages made for do. from 7th Feb. 1780 to 24th June following	75	11	0
18. To Meſſrs. Biſshopp and Co. to enable them to reimburſe do. of ſundry regiments of foot, ſtoppages made for do. from 25th Dec. 1779 to 24th June 1780, and alſo for the allowance of bread money	1141	1	0
18. To K. Mackenzie, for bread money for the 78th regiment of foot, from 15th July 1778 to 22d September following	143	8	0
26. To Adam Wood, Eſq. to enable him to reimburſe the non commiſſioned officers and private men of the 31ſt regiment of foot, the ſtoppages made for the ſurgeon and paymaſter's allowances,			

	£.	s.	d.
1780.			
from 25th Dec. 1779 to 24th June 1780; and also for the allowance of bread money	134	14	0
26. To Messrs. Meyricks, for the allowance of bread money to sundry regiments of foot, from 19th Dec. 1779 to 24th July 1780	521	8	6
Nov. 1. To Messrs. Roberts and Neligan, for bread money to the 97th regiment of foot in the year 1780 ———	211	10	0
To K. Mackensie, to enable him to reimburse the non commissioned officers and private men of the 78th regiment of foot, the stoppages made for the surgeon and paymaster's allowances from 25th June 1778 to 24th Dec. following	137	10	9
To Edmund Armstrong, Esq. to enable him to reimburse do. of the 8th regiment of foot, the stoppages made for do. from 25th Dec. 1779 to 24th June 1780 ———	116	19	10
10. To Messrs. Gray and Ogilvie, for the allowance of bread money to the 70th regiment of foot at Guernsey and Jersey, from 19th November 1778 to 24th April 1780 ———	1997	0	9
23. To Messrs Hesse, to enable them to reimburse the non commissioned officers and private men of the 37th regiment of foot, the stoppages made for the surgeon and paymaster's allowances, from 25th June 1778 to 24th Dec. following	96	6	10
To do. to enable them to reimburse do. of do. regiment, the stoppages made for do. from 25th Dec. 1778 to 24th June 1779 ———	1 6	19	11
To do. to enable them to reimburse do. of do. regiment, the stoppages made for do. from 25th June 1779 to 24th Dec. following	116	19	1
To do. to enable them to reimburse do of do. regiment, the stoppages made for do. from 25th Dec. 1779 to 24th June 1780 ———	116	19	11
Dec. 8 To do. to enable them to reimburse do of the 75th regiment of foot, the stoppages made for do. from 25th June 1779 to 24th Dec. following ——— ———	137	10	10
Dec. 21. To do. to enable them to reimburse do of the 75th regiment of foot, the stoppages made for do from 25th Dec. 1779 to 24th June 1780, and also for the allowance of bread money	328	14	2
1781.			
Jan 31. To John Lamb, esq. to enable him to reimburse do. of the 72d regiment of foot, the			

stoppages

	£.	s.	d.
1780. reimburse do. of the second West Riding York and East Devon militia, the stoppages made for do. from do. to do.	166	1	2
May 22. To John Fenwick, Esq. to enable him to reimburse do. of sundry corps of militia, the stoppages made for do. from do. to do.	39	3	0
24. To John Radcliffe, Esq. to enable him to reimburse do. of the South Devon militia, the stoppages made for do. from do. to do.	68	9	5
June 9. To S. Halliday, Esq. to enable him to reimburse do. of the Somerset militia, the stoppages made for do. from do. to do.	110	13	0
July 26. To William Field, Esq. to enable him to reimburse do. of the East and West Essex militia, the stoppages made for do. from do. to do	155	19	11
To John Billard, Esq. to enable him to reimburse do. of the Worcester militia, the stoppages made for do. from 25th December 1779 to 24th June 1780	84	4	10
To George Snowden, Esq. to enable him to reimburse do. of the Derbyshire militia, the stoppages made for do. from do. to do.	76	10	5
To John Lamb, Esq. to enable him to reimburse the non-commissioned officers and private men of the Wiltshire militia, the stoppages made for the surgeon and paymaster's allowances, from 25th December 1779 to 24th June 1780	106	13	3
To Messrs. Fitter and co. to enable them to reimburse do. of the Surrey militia, the stoppages made for do. from do. to do.	129	2	0
Aug. 4. To H. I. Hansard, Esq. to enable him to reimburse do. of the East Devon, and 2d West Riding Yorkshire militia, the stoppages made for do. from do. to do.	177	14	3
11. To John Martin, Esq. to enable him to reimburse do. of the West Kent militia, the stoppages made for do. from do. to do.	84	0	6
To Keen Stables, Esq. to enable him to reimburse do. of the Northamptonshire militia, the stoppages made for do. from do. to do.	107	18	5
To Messrs. Maude, to enable them to reimburse do. of the 1st West Riding York militia, the stoppages made for do. from do. to do.	84	5	10
To Thomas Willis, Esq. to enable him to reimburse do. of the West and East Suffolk militia, the stoppages made for do. from 25th June 1779 to 24th December following	131	0	0
To do. to enable him to reimburse do. of do.			

militia,

1780.	£.	s.	d.
militia, the ſtoppages made for do. from 25th December 1779 to 24th June 1780 ——	148	7	0
17 To William Moore, Eſq. to enable him to reimburſe the non commiſſioned officers and private men of the Weſt and Eaſt Norfolk militia, the ſtoppages made for the ſurgeon and paymaſter's allowances, from 25th June 1779 to 24th December following —— ——	142	9	0
23 To do. to enable him to reimburſe do. of do. militia, the ſtoppage made for do. from 25th December 1779 to 24th June 1780 ——	146	13	-
To Vincent Mathias, Eſq. to enable him to reimburſe do. of the Dorſet and Eaſt Riding York militia, the ſtoppages made for do. from do. to do. —— ——	159	18	8
To John Powell, Eſq. to enable him to reimburſe do. of the Weſt Middleſex and Bedfordſhire militia, the ſtoppages made for do. from do. to do.	161	7	4
To Meſſrs. Adair and co. to enable them to reimburſe do. of ſundry regiments of militia, the ſtoppages made for do. from do. to do. ——	534	10	8
30 To Meſſrs. Biſhop and co. to enable them to reimburſe do. of ſundry regiments of militia, the ſtoppages made for do. from do. to do. ——	55	10	6
To John Owens, Eſq. to enable him to reimburſe do. of the Denbighſhire militia, the ſtoppages made for do. from do. to do. ——	41	9	11
To Meſſrs. Meyrick, to enable them to reimburſe do. of the Leiceſterſhire and Warwickſhire militia, the ſtoppages made for do. from do. to do.	193	10	9
To Meſſrs. Bateman and Barnet, to enable them to reimburſe the non commiſſioned officers and private men of the South Hampſhire militia, the ſtoppages made for the ſurgeon and paymaſter's allowances, from 26th March 1778 to 24th December 1779 —— ——	218	3	10
To Meſſrs. Roberts, to enable them to reimburſe do. of the Durham and Merionethſhire militia, the ſtoppages made for do. from 25th December 1779 to 24th June 1780 ——	63	7	5
To Meſſrs. Thomas and Roberts, to enable them to reimburſe do. of the Radnor and Brecknockſhire militia, the ſtoppages made for do. from do. to do. —— ——	35	10	6
To John Fenwick, Eſq. to enable him to reimburſe do. of ſundry corps of militia, the ſtoppages made for do. from do. to do. ——	42	1	0
Sept. 13. To Henry Critchett, Eſq; to enable			

him

	£.	s.	d.
1780. him to reimburse do. of the Westminster militia, the stoppages made for do. from do. to do —	164	6	9
To George Aust, Esq. to enable him to reimburse do of the Cambridgeshire militia, the stoppages made for do. from do. to do. —	65	14	0
To Thomas Lloyd, Esq. to enable him to reimburse do. of the Cornwall militia, the stoppages made for do, from do. to do. —	86	11	4
To Messrs. Conway and Peart, to enable them to reimburse the non-commissioned officers and private men of sundry regiments of militia, the stoppages made for the surgeon and paymaster's allowances, from 25th December 1779 to 24th June 1780 — —	286	2	8
Nov. 1. To Edmund Armstrong, Esq; to enable him to reimburse do. of the Hertfordshire militia, the stoppages made for do from do to do.	76	12	8
23. To Messrs. Hesse, to enable them to reimburse do. of the South Hampshire militia, the stoppages made for do. from do. to do —	66	7	3
1781. Jan. 15. To Keen Stables, Esq. to enable him to reimburse do. of the Northamptonshire militia, the stoppages made for do from 25th June 1780 to 24th December following —	110	18	10
17 To Messrs Meyrick, to enable them to reimburse do. of the Leicester and Warwickshire militia, the stoppages made for do. from do. to do.	193	10	9
31. To John Lamb, Esq, to enable him to reimburse do. of the Wiltshire militia, the stoppages made for do. from do. to do. —	106	13	3
	8345	17	0
1780. Feb. 10. To sundry agents, to be by them paid over and applied to the use of the private men of the respective regiments, battalions, and corps of militia, as an equivalent to the poundage deducted from the pay of the effective private men of the regiments of foot guards and marching regiments of infantry on the British establishment, from 25th June 1779 to 24th December following	9497	8	7
July 12. To sundry agents, to be by them paid over and applied to the use of the private men of the respective regiments, battalions, and corps of militia, as an equivalent to the poundage deducted from the pay of the effective private men of the regiments of foot guards and march-			

	£.	s.	d.
1780. ing regiments of infantry on the British Establishment, from 25th December 1779 to 24th June 1780.	9770	4	6
1781. Jan. 15. To sundry do. for do. service, from 25th June 1780 to 24th December following	9917	8	10
	29185	1	11
1779. Nov 11. For the marches, &c. of the 79th regiment of foot, from 8th January 1778 to 24th June following	309	3	6
17. For the do. of the 10th regiment of foot, from 25th June 1778 to 24th December following	167	3	0
1780. Jan. 14. For the do. of the 59th regiment of foot, from 25th December 1775 to 24th December 1776	492	2	0
For the do. of do. regiment from 25th December 1777 to 24th December 1778	451	15	2
26. For the do. of the 79th regiment of foot, from 25th June 1778 to 24th December following	147	12	8
Feb. 23. For the do. of the 80th regiment of foot, from 17th January 1778 to 24th June following	100	2	0
March 1, For the do. of the 7th regiment of dragoons, from 25th June 1778 to 24th December following	174	18	4
For the do. of the 11th regiment of dragoons, from do. to do.	140	11	0
For the do. of the 80th regiment of foot, from do. to do.	195	4	0
May 22. For the do. of the 78th regiment of foot, from 8th January 1778 to 24th December following	448	11	0
June 2. For the do. of the 81st regiment of foot, from 19th December 1777 to 24th June 1778	393	12	6
For the do. of the 1st battalion of the 73d regiment of foot, from 25th December 1777 to 24th June 1778	151	16	6
July 6 For the do. of Sir Thomas Egerton's corps of foot, from 5th October 1779 to 24th December following	216	0	0
Aug. 4 For the do. of Earl Fauconberg's regiment of foot, from 25th June 1779 to 24th December following	170	4	0

Sept.

	£.	s.	d.
1780.			
Sept. 25. For the do. of the 6th regiment of foot, from 25th December 1776 to 24th June 1777	370	16	11
For the do. of do. regiment, from 25th December 1777 to 24th June 1778 ——	239	7	3
For the do. of do. regiment, from 25th June 1778 to 24th December following ——	91	9	8
For the do. of the 65th regiment of foot, from 25th June 1777 to 24th December following	73	9	0
For the do. of do. regiment, from 25th December 1777 to 24th June 1778 ——	211	5	4
For the do. of do. regiment, from 25th June 1778 to 24th December following ——	60	18	0
Oct. 11. For the do. of the 85th regiment of foot, from 25th July 1779 to 24th December following —— ——	242	9	9
18. For the do. of the 15th regiment of foot, from 25th December 1776 to 24th December 1778	394	9	8
Nov. 8. For the do. of the 50th regiment of foot, from 25th December 1776 to 24th June 1777 —— ——	106	8	9
10. For the do. of the 8th regiment of foot, from 25th December 1777 to 24th December 1778	267	5	0
	5616	15	5

1779			
Oct. 29. To Lieutenant General James Murray, for the contingent disbursements of the 13th regiment of foot, from 25th December 1772 to 24th December 1773 —— ——	53	10	7
Nov. 3. To Lieutenant General Boyd, for do. of the 39th regiment of foot, from 25th December 1777 to 24th June 1778 ——	139	2	4
To do. for do. of do. regiment, from 25th June 1778 to 24th December following ——	110	2	6
To Lieutenant General Cary, for the contingent disbursements of the 43d regiment of foot, from 25th December 1777 to 24th June 1778	121	13	8
11. To Messrs. Cox and Mair, for do. of the 52d regiment of foot, from do. to do. ——	189	1	2
17. To Lieutenant General Grant, for do. of the 63d regiment of foot, from do. to do. —	113	16	0
To do. for do. of do. regiment from 25th June 1778 to 24th December following ——	75	2	1
1780			
Feb. 8. To Sir Robert Pigot, for do. of the 38th regiment of foot, from 25th December 1775 to 24th June 1776 —— ——	124	13	4

To

1780.	£.	s.	d.
To do. for do. of do. regiment from 25th June 1776 to 24th December following —	98	11	9
To the Duke of Argyll, for do. of the 1st battalion of the 1st regiment of foot, from 25th December 1777 to 24th December 1778 —	252	1	0
1. To Sir Robert Pigot, for do. of the 38th regiment of foot, from 25th December 1777 to 24th June 1778 — —	109	4	5
To do. for do. of do. regiment, from 25th June 1778 to 24th December following —	66	6	6
23. To Messrs. Cox and Mair for do. of the 12th regiment of foot, from do. to do. —	116	15	11
To Lord A. Gordon, for do. of the 26th regiment of foot, from do. to do. —	224	7	9
28. To the Earl of Eglintoun, for do. of the 51st regiment of foot, from do. to do. —	26	14	5
March 9. To Messrs. Powell and Cooke, for do. of a regiment and independent companies of invalids, from do. to do. — —	384	17	8
23. To Lieutenant General Evelyn, for do. of the 29th regiment of foot, from do. to do. —	193	11	8
May 10. To Major General Massey, for the contingent disbursements of the 27th regiment of foot, from 25th December 1775 to 24th June 1776 — —	159	2	7
To do. for do. of do. regiment, from 25th June 1776 to 24th December following —	52	18	10
To do. for do. of do. regiment, from 25th June 1778 to 24th December following —	41	4	3
To Lieutenant General Taylor, for do. of the 24th regiment of foot, from 25th December 1777 to 24th June 1778 — —	65	15	3
To do. for do. of do. regiment, from 25th June 1778 to 24th December following —	60	13	0
Sept. 25. To Sir William Boothby, for do. of the 6th regiment of foot, from 25th June 1777 to 24th December following —	153	3	6
To Messrs. Cox, Mair, and Cox, for do. of the 65th regiment of foot, from 25th December 1776 to 24th June 1777 —	112	14	6
29. To Lieutenant General Parker, for do. of the 20th regiment of foot, from 25th December 1777 to 24th June 1778 —	106	9	5
To do. for do. of do. regiment, from 25th June 1778 to 24th December following — —	61	7	0
To Lieutenant General Cary, for do. of the 43d regiment of foot, from 25th June 1778 to 24th December following —	92	9	11

Oct.

	£.	s.	d.
1780.			
Oct. 18. To Messrs. Cox, Mair, and Cox, for do. of the 16th regiment of foot, from 25th December 1776 to 24th June 1777 ——	369	17	0
To do. for do. of do. regiment, from 25th June 1777 to 24th December following ——	105	9	0
To Sir William Howe, for do. of the 23d regiment of foot, from 25th December 1777 to 24th June 1778 —— ——	34	5	4
To do. for do. of do. regiment, from 25th June 1778 to 24th December following ——	33	15	0
Nov. 8. To Messrs. Ross and Gray, for the contingent disbursements of the 61st regiment of foot, from 25th December 1777 to 24th June 1778 —— ——	26	11	6
To do. for do. of do. regiment, from 25th June 1777 to 24th December following —	26	0	2
To Major General Morris, for do. of do. regiment, from 25th June 1778 to 24th December following —— ——	20	14	1
29. To Lieutenant General Campbell, for do. of the 35th regiment of foot, from 25th December 1775 to 24th December 1776 ——	162	12	0
To do. for do. of do. regiment, from 8th April 1775 to 24th December following ——	269	2	0
	4353	17	0
1779.			
Oct. 22. For the marches, &c. of the West regiment of Norfolk militia, from 25th June to 24th December 1778 —— —	128	8	9
Nov. 24. For do. of the Duke of Gordon's fencible men, from 25th April to 24th December 1778 —— ——	168	0	0
Dec. 23. For the do. of the Denbighshire militia, from 25th December 1778 to 24th June 1779 —— ——	123	3	0
1780.			
Jan. 26. For the do. of the East battalion of Middlesex do. from do. to do. ——	107	8	7
Feb. 8. For the do. of the 1st West Riding do. from do. to do. —— ——	198	6	4
March 17. For the do. of the Wiltshire do. from do. to do. —— ——	357	1	0
23. For the do. of the Cornwall do. from do. to do. —— ——	208	7	6
For the do. of the Anglesea do. from do. to do.	112	2	0
For the do. of the Merionethshire do. from do.	64	12	0
to do. —— ——	64	12	0

For

1780.	£.	s.	d.
For the do. of the Radnorſhire do. from do. to do. ——— ———	40	17	4
April 7. For the do. of the Somerſetſhire do. from do to do. ——— ———	571	9	2
For the do. of the Pembrokeſhire militia, from 25th June 1778 to 24th June 1779 ———	134	7	6
12. For the do. of the Surrey do. from 25th December 1778 to 24th June 1779 ———	218	1	0
20. For the do. of the North Hampſhire do. from do to do. ——— ———	240	14	9
27. For the do. of the Glamorganſhire do. from do. to do. ——— ———	162	4	0
For the do. of the Rutlandſhire do. from do. to do. ——— ———	79	4	6
May 10 For the do. of the Weſtmoreland do. from 26th March 1778 to 24th June 1779 —	192	19	0
22. For the do. of the Flintſhire do. from 25th December 1778 to 24th June 1779 ———	92	12	1
For the do. of the Weſt Norfolk do. from do. to do. ——— ———	176	8	0
June 2. For the do. of the Northamptonſhire do. from do. to do. ———	224	3	8
For the do. of the Brecknockſhire do. from do. to do ——— ———	43	13	3
9. For the do. of the Northamptonſhire do. from 25th June 1779, to 24th December following ——— ———	214	7	8
For the do. of the Eaſt Kent do. from do. to do.	75	3	5
For the do. of the Eaſt Eſſex do from do. to do.	135	14	6
For the do. of the Weſt Eſſex do. from do. to do.	145	0	9
For the do. of the Dorſetſhire do. from do. to do. ——— ———	276	4	8
For the do. of the Derbyſhire do. from do. to do.	161	0	0
For the do. of the Lancaſhire do. from do. to do.	96	14	2
June 9. For the marches, &c. of the Buckinghamſhire militia, from 25th June, to 24th December 1779 ——— ———	217	17	2
For the do. of the Radnorſhire do. from do. to do. ——— ———	26	4	6
For the do. of the Cornwall do. from do. to do.	94	9	0
For the do. of the Weſt Norfolk do. from do. to do ——— ———	229	5	10
15. For the do. of the Cumberland do. from do. to do. — ———	124	6	0
For the do. of the Cheſhire do. from do. to do.	258	17	0
For the do. of the Northumberland do. from do. to do. ——— ———	132	2	8

For

1780.	£.	s.	d.
For the do. of the Montgomeryshire do. from do. to do.	99	18	7
For the do. of the Sutherland regiment of fencible men, from do. to do.	145	3	4
21. For the do. of the North Hampshire militia, from do to do.	181	0	0
For the do of the South Lincoln do. from do. to do.	166	13	6
For the do. of the Hertfordshire do. from 25th June, to 24th December 1778	328	14	2
For the do. of the East Norfolk do. from 25th June 1779, to 24th December following	215	17	4
For the do. of do. regiment, from 25th December 1778, to 24th June 1779	190	4	0
29. For the do. of the South regiment of fencible men, from 25th June 1779, to 24th December following	263	3	8
For the do. of the Durham militia, from 25th December 1778, to 24th June 1779	87	6	3
July 6 For the do of the East Riding York do. from 25th June, to 24th December 1779	312	19	6
For the marches, &c. of the Worcestershire militia, from 25th June, to 24th December 1779	496	6	3
12. For the do. of the West Kent do. from do. to do.	253	3	6
For the do. of the South Devon do. from 25th December 1778, to 24th December 1779	193	2	10
20. For the do. of the South Gloucestershire do. from 25th June, to 24th December 1779	123	11	6
26. For the do of the Sussex do. from do. to do.	645	15	4
For the do. of the Cambridgeshire do. from do. to do.	110	7	0
Aug. 4. For the do. of the Huntingdon do. from 25th December 1778, to 24th June 1779	201	18	10
11 For the do of the Carnarvonshire do from do. to do	45	13	0
For the do. of the East Suffolk do. from 26th March, to 24th December 1778	168	0	0
23. For the do. of the Huntingdon do. from 25th June, to 24th December 1779	127	19	10
For the do of the 1st battalion of West Riding York do. from do. to do.	110	13	0
Sept. 13. For the do. of the East Devon do. from 25th December 1778, to 24th December 1779	476	13	0
13. For the do. of the Merionethshire do. from 25th June to 24th December 1779	54	10	4

For

1780.	£.	s.	d.
For the do. of the Wiltshire do. from do. to do.	169	19	8
For the do. of the Surrey do. from do. to do.	358	8	10
For the do. of the North Devon do. from do. to do. — —	125	4	6
For the do. of the South Hampshire do from 25th December 1778, to 24th June 1779 —	143	5	3
Sept 25 For the marches, &c. of the Denbighshire militia, from 25th June to 24th December 1779 — —	62	9	2
Oct 4. For the do of the Bedfordshire do. from do. to do. — —	233	13	6
For the do. of the Western regiment of fencible men, from 25th December 1778, to 24th June 1779 — —	115	17	4
For the do. of do regiment, from 25th June, to 24th December 1779 —	202	18	0
For the do. of the North Lincoln militia, from do. to do. — —	288	8	c
For the do. of the Rutlandshire do. from do. to do. — —	77	10	0
For the do. of the Westmoreland do. from do. to do. — —	91	19	5
11. For the do. of the North Gloucester do from do. to do. — —	153	4	6
For the do. of do. regiment, from 25th December 1778, to 24th June 1779 —	264	3	0
18. For the do. of the West Middlesex do from 25th June to 24th December 1779 —	336	9	5
26. For the do. of the Warwickshire do from 25th December 1778, to 24th December 1779	616	10	10
For the do. of the Westminster do. from 25th June, to 24th December 1779 —	157	19	0
For the do. of the Monmouthshire do from do. to do — —	158	16	0
Nov. 8. For the do. of the Herefordshire do. from do to do. — —	134	8	6
16. For the do. of the Leicestershire do. from do. to do — —	268	16	6
For the do. of the Oxfordshire do. from 15th July, to 24th December 1778 —	218	2	0
For the do. of do regiment, from 25th December 1778, to 24th June 1779 —	154	6	0
November 16. For the ditto of the West Suffolk militia, from 25th December 1778 to 24th June 1779 - - - -	79	2	9
23 For the do. of the Hertfordshire do from 25th December 1778, to 24th December 1779	378	12	0

29 For

	£.	s.	d.
1780.			
29. For the do. of the Berkshire do. from 26th March, to 24th December 1778 ——	268	5	0
For the do. of do. regiment from 25th December 1778, to 24th June 1779 — —	189	14	8
For the do. of do. regiment, from 25th June to 24th December 1779 —— ——	169	1	0
For the do. of the Shropshire do. from do. to do.	166	1	0
For the do. of the East Middlesex do. from do. to do. —— ——	224	18	0
January 24. 1781. For the do. of the North Devon do. from 25th December 1779 to 24th June 1780 —— —— —	334	15	0
For the do. of the South Gloucester do. from do. to do. —— ——	351	2	1
For the do. of the Dorsetshire do. from do. to do. —— —— ——	277	15	9
31. For the do. of the Derbyshire do. from do. to do. —— ——	199	13	4
	17801	15	8
177 .			
December 15. To Colonel Ward, for the contingent disbursements of the Cambridgeshire militia, from 25th Dec. 1778, to 24th June 1779	182	4	10
August 11. 1780. To Major Hughes, for do. of the Flintshire do. from 25th June to 24th December 1779 —— ——	57	19	0
12. To Captain Herbert Jones for do. of the Anglesea do from do. to do. — —	105	9	8
October 26. To the Earl of Darlington, for do. of the Durham do. from do. to do. —	48	19	9
	394	13	3
1780.			
Feb. 8. To Lord Mc Leod, for divers camp necessaries provided for the second battalion of the 73d regiment of foot —— ——	605	2	0
10 To Colonel Keating, for do. provided for the 88th do —— —— ——	380	13	6
March 9. To the Earl of Harrington, for do. provided for the 85th do. — —	420	17	6
April 12. To Colonel Ackland, for do. provided for the 91st do. —— ——	492	7	0
To Colonel M'Carmick, for do. provided for the 93d do. —— ——	434	18	8
27th. To Colonel St. Leger, for do. provided for the 86th do. —— ——	420	17	6
May 5. To Lieutenant General Preston, for do. provided for the 17th regiment of dragoons	772	1	0

1780.	£.	s.	d.
8th. For do. provided for a detachment of the foot guards — —	279	9	0
To Lieutenant General Gage, for do. provided for the 22d regiment of foot —	203	1	6
To Lieutenant General Sir William Howe, for do. provided for the 23d do. —	203	1	6
To Sir R. Hamilton, for do. provided for the 40th do. —	203	1	6
To Lieutenant General Cary, for do. provided for the 43d do. —	203	1	6
To General Abercrombie, for do. provided for the 44th do. — —	203	1	6
To Major General Grant, for do. provided for the 55th do. —	203	1	6
To Lieutenant General Irwine, for do. provided for the 57th do —	203	1	6
To Lieutenant General Francis Grant, for do. provided for the 63d do. —	203	1	6
To Major General Hall, for do. provided for the 79th do. —	284	3	0
To Sir William Erskine, for do. provided for the 80th do. — —	284	3	0
May 8. To Col. Mc Lean for divers camp necessaries provided for the 82d regiment of foot	284	3	0
To Sir H. Clinton, for do provided for the 2d battalion of the 84th do. — —	203	1	6
To General Hodgson, for do. provided for the 4th do. — —	198	13	0
24. To Lieut. General James Johnston, for do. provided for the 6th regiment of dragoons —	422	12	9
June 21. To Major Gen. Pigott, for do. provided for the 38th regiment of foot —	202	16	0
To Maj. Gen. Massey, for do. provided for the 27th do. — —	202	16	0
29. To the Duke of Argyll, for do. provided for the 1st battalion of the 1st do. —	213	11	6
To do. for do. provided for the 2d battalion of do. regiment — —	198	13	0
To Lieut. Gen. Murray, for do. provided for the 13th regiment of foot —	198	13	0
To Lieut. Gen. Cunningham, for do. provided for the 14th do. — —	198	13	0
To Maj. Gen. Faucitt, for do. provided for the 15th do. — —	198	13	0
To Lieut. Gen. Campbell, for do. provided for the 35th do. — —	198	13	0
To Lieut. Gen. Maitland, for do. provided for the 49th do. — —	198	13	0

To

	£.	s.	d.
1780.			
To Lieut.-Gen. Frederick, for do. provided for the 54th ditto — —	198	13	0
To Sir David Lindsay, for do. provided for the 59th do. —	198	13	0
To Lord Amherst, for do. provided for the 60th do. - - - -	787	12	0
To Maj. Dalrymple, for do. provided for his corps of foot - - -	146	5	0
To Col. Stanton, for do. provided for the 97th regiment of foot - - -	400	16	0
July 6th. To Maj. Gen. Prescott, for do. provided for the 7th regiment of foot -	251	8	0
To Lieut. Gen. Elphinstone, for do. provided for the 53d do. - - - - -	251	8	0
To Lieut. Gen. Campbell, for do. provided for the 74th do. - - -	278	3	0
To Lieut. Gen. Fraser, for do. provided for the 71st do. - - - -	553	19	0
To Lord Viscount Chewton, for do. provided for the 87th do. - - -	416	9	0
12th. To Maj. Gen. Prescott, for do. provided for the 7th do. - - - -	198	13	0
To Lieut. Col. Stuart, for do. provided for the 92d. do. - - -	416	9	0
To Col. Dundas, for do. provided for the 94th do. - - - -	416	9	0
To Lord Seaforth, for do. provided for the 78th do. - - - - - -	268	3	0
20. To Maj. Gen. Grey, for do. provided for the 28th do. - - -	203	1	6
To Earl Cornwallis, for do. provided for the 33d do. - - - -	203	1	6
To Maj. Gen. Vaughan, for do. provided for the 46th do. - - -	203	1	6
To Lieut. Gen. Pomeroy, for do. provided for the 64th do. - - -	203	1	6
To the Duke of Argyll, for do. provided for the 1st battalion of the 1st do. -	351	7	0
To Lieut. Gen. Murray, for do. provided for the 13th do. - - - - - - - -	176	17	0
To Sir David Lindsay, for do. provided for the 59th do. - - - - - -	176	17	0
To Sir William Boothby, for do. provided for the 6th do. - - -	203	1	6
July 20. To Sir John Sebright, for divers camp necessaries provided for the 18th regiment of foot — — —	203	1	6

To

	£.	s.	d.
1780.			
To Major-General Calcraft, for do. provided for the 65th do.	203	[illegible]	6
To Colonel Reid, for do. provided for the 95th do.	420	17	6
To Major General Robertson, for do provided for the 16th do.	203	1	6
26 To Earl Percy, for do. provided for the 5th do.	226	16	6
To Colonel M'Donnell, for do. provided for the 76th do.	313	8	6
Aug. 4. To Lieutenant-General Monckton, for do. provided for the 17th do.	198	3	0
11. To Colonel Tottenham, for do. provided for the 90th do.	416	9	0
12. To Major-General Rainsford, for do. provided for the 99th do.	198	13	0
To Lieutenant-General Sherrard, for do. provided for the 69th do.	217	0	2
To Colonel Scott, for do. provided for the 83d do.	284	3	0
23. To Lord John Murray, for do provided for the 42d do.	311	16	0
Sept. 30. To Sir Thomas S. Wilson, for do. provided for the 50th do.	228	1	6
Oct. 4. To Lieutenant-General Jones, for do. provided for the 2d do.	265	11	2
26. To Major-General Tryon, for do. provided for the 70th do.	222	12	6
To Lieutenant General Fredrick, for do. provided for the 54th do.	186	18	0
Nov. 8. To Lieutenant-Colonel Campbell, for do. provided for the 74th do.	544	14	0
29. To Sir E. Coote, for do. provided for the 37th do.	203	1	6
To do. for do. provided for do. regiment	252	12	6
Dec. 8. To John Trotter, esq. for providing camp necessaries for the use of the forces in the Leeward Islands and Jamaica	1811	16	0
21. To Sir Thomas Egerton, for divers camp necessaries provided for 1 company of his corps of foot	33	10	6
	22367	10	3
1779.			
Oct. 1. To Sir Richard Milbanke, for divers camp necessaries provided for the North Riding of Yorkshire militia	187	12	0

Feb.

1780.	£.	s.	d.
Feb. 29. To Lord Viscount Hinton, for do. provided for the East Devon militia	173	18	0
To Colonel Sawbridge, for do provided for the East Kent do.	103	17	6
April 12 To Lord Paget, for do provided for the Staffordshire do.	165	19	0
20. To the Duke of Chandos, for do. provided for the North Hampshire do.	156	9	0
27 To Colonel Tuffnell, for do. provided for the East Middlesex do.	191	7	6
May 22. To Colonel Coxe, for do. provided for the Somersetshire Do.	199	1	3
To Lord Cranburne, for do. provided for the Hertfordshire do.	154	4	0
June 15 To Lieutenant-Colonel Middleton, for do provided for the Denbighshire do.	93	15	6
To Sir John Wodehouse, for do. provided for the East Norfolk do.	142	0	0
To Major William Burton, for do. provided for the Rutlandshire do.	44	6	0
To Colonel George Sutton, for do. provided for the Nottingham do	142	0	0
To Lord Rivers, for do provided for the Dorsetshire do.	195	9	0
To Colonel Lechmere, for do. provided for the Worcester do.	178	0	6
To Colonel Caldecote, for do. provided for the North Lincoln do.	173	17	0
21 To Sir Christopher Treise, for do. provided for the Cornish do.	181	3	0
To Major John Jones, for do. provided for the Radnorshire do.	44	8	6
July 6. To the Earl of Upper Offory, for do. provided for the Bedfordshire do.	151	2	6
To Sir R. Milbanke, for do. provided for the North Riding York do.	204	14	0
12. To the Duke of Rutland, for do. provided for the Leicestershire do.	147	14	0
To Lord Spencer, for do provided for the Oxfordshire do.	160	7	0
26. To the Duke of Manchester, for do. provided for the Huntingdon do.	130	8	6
To Lord Beauchamp, for do. provided for the Warwickshire do.	235	13	6
Aug. 4. To Colonel Harvey, for do. provided for the 2d West Riding York do.	178	3	0
To Lord Hinton, for do. provided for the East Devon do.	207	1	0

12. To

1780. ARMY.	£.	s.	d.
12. To Colonel Skottowe, for do. provided for the Buckinghamshire do.	198	12	0
To Colonel Orchard, for do. provided for the North Devon do.	162	0	0
To the Duke of Devonshire, for do. provided for the Derbyshire do.	173	15	0
23. To Lord A. Percy, for do. provided for the Northumberland do.	230	17	0
To the Earl of Powis, for do. provided for the Montgomeryshire do.	113	19	6
31. To Colonel Maister, for do. provided for the East Riding York do.	191	12	0
Sept. 13. To Colonel Blackwell, for do. provided for the North Gloucester do.	184	11	9
To Lord Bateman, for do. provided for the Herefordshire do.	201	0	6
Oct. 11. To Lieutenant-colonel Johnes, for do. provided for the Carmarthenshire do.	154	14	6
To Colonel Parker, for do. provided for the South Devon do.	155	16	6
26. To Colonel Ward, for do provided for the Cambridgeshire do.	151	4	6
Nov 23. To Sir Richard Worsley, for do. provided for the South Hampshire do.	18	17	0
To the Earl of Sussex, for do. provided for the Northamptonshire do.	236	2	0
To Colonel James Lowther, for do. provided for the Cumberland do	129	15	0
Dec 21. To the Earl of Rochford, for do. provided for 2 additional companies to the West Essex do.	72	7	0
	6344	16	6

March 23. To Lieutenant-General Francis Grant, for sundry accoutrements of the 63d regiment of foot, lost on the service in North America between 26th of August 1776 and 19th June 1778	79	1	9
To Colonel Harcourt, to replace 12 horses belonging to the 16th regiment of dragoons, which were killed in service in North America, between 2d January 1777 and 25th October 1778	184	9	0
April 20. To Major General Vaughan, for sundry accoutrements of the 46th regiment of foot, lost on service in North America, between 6th July and 9th September 1779	32	9	8

27. To

1780.	£.	s.	d.
27. To Lieutenant General Armstrong, to replace sundry do. of the 8th regiment of foot, lost 11th February 1776, on board a transport off the island of Nevis —	22	19	6
May 8. To Lieutenant General Sorell, to replace sundry do. of five companies of the 48th regiment of foot, taken at the surrender of Grenada — —	217	13	3
To do. to replace cloathing of do. taken at do.	234	18	1
22. To Lieutenant General Preston, to replace 37 horses of the 17th regiment of dragoons, which were killed in action, taken by the enemy or shot for the glanders, in North America, from their embarkation to 24th December 1779 —	563	13	0
To do. to replace 17 horses belonging to the officers of do. regiment, which were lost in action, &c. in do. from 25th December 1778, to 24th December 1779 — —	260	10	0
To do. to replace sundry accoutrements of do. regiment, lost on service in do. from April 1776, to 24th June 1778 — —	542	16	2
24. To General Eliott, to replace 8 horses of the 15th regiment of dragoons, which were burnt at Manchester by a fire which happened 27th December 1779 — —	120	0	0
June 2. To Major General Massey, to replace sundry accoutrements of the 27th regiment of foot, lost on service in North America —	39	17	3
To Sir Thomas Spencer Wilson, to replace sundry do. of the 50th regiment of foot, lost in action on board the fleet in July 1778 —	56	16	0
To Lieutenant General Pomeroy, to replace sundry do. of the 64th regiment of foot, lost on service in America in 1778, and 1779 —	56	1	0
To Lieutenant General Mackay, to replace do. of the 21st regiment of foot, lost on service in do. in the year 1776 — —	22	9	0
14. To Colonel Harcourt, to replace horses of the 16th regiment of dragoons, lost or killed in America, from 25th December 1777, to 24th December 1778 — —	660	0	0
July 12. To do. to replace sundry cloathing and accoutrements of do. regiment, lost or taken by the enemy in do. in the year 1778 —	169	3	0
Dec. 8. To Sir E. Coote, to replace sundry accoutrements of the 57th regiment of foot, lost on service in America between 25th November 1777, and 20th February 1779 —	22	14	9

Jan. 15.

	£.	s.	d.
1781. Jan. 15. To Lieutenant General Preston, to replace sundry horses of the 17th regiment of dragoons, which were lost at sea, killed in action, or shot for the glanders, &c. in America, from 25th December 1779, to 24th June 1780 ——	1336	0	0
To do. to replace 19 horses belonging to the officers of do. regiment, lost at sea, &c. from do. to do. —— ——	290	10	0
17. To Lieutenant General Preston, to replace sundry accoutrements of the 17th regiment of dragoons, which were lost on service in North America, between 25th December 1778, to 24th December 1779 —— ——	97	4	8
To do. to replace sundry do. lost on service in do. between 25th December 1779, to 24th June 1780 —— ——	768	8	4
	5777	14	6
1779. May 31. To Sir E. Coote, in lieu of 49ds nett off-reckonings of the additionals to the 37th regiment of foot —— ——	59	16	11
1780. Feb. 10 To Earl Fauconberg, in lieu of 122ds do. of his regiment of foot ——	746	5	0
To Lord Viscount Chewton, in lieu of 122ds do. of the 87th regiment of foot ——	746	5	0
To Sir Thomas Egerton, in lieu of 122ds do. of his regiment of foot — —	445	15	1
To Colonel St. Leger, in lieu of 122ds do. of the 86th regiment of foot ——	746	5	0
To Colonel Cary, in lieu of 122ds do. of the 89th do. —— ——	746	5	0
To the Earl of Harrington, in lieu of 122ds do. of the 85th do. —— —	746	5	0
To Colonel Keating, in lieu of 122ds do. of the 88th do. —— ——	746	5	0
To Colonel Tottenham, in lieu of 122ds do. of the 90th do. —— —	746	5	0
To Colonel Ackland, in lieu of 122ds do. of the 91st do. —— —	746	5	0
To Lieutenant Colonel Stuart, in lieu of 122ds do. of the 92d do. —— —	746	5	0
April 28. To Mess. Cox and Mair, to make good deficient off-reckonings of the 65th regiment of foot, from 6th July 1776, to 5th July 1777	289	[illegible]	11
May 10. To Major Lister, in lieu of 122ds nett off-reckonings of his regiment of dragoons	323	9	6

May 10.

	£.	s.	d.
1780.			
May 10. To Colonel Stanton, in lieu of 122ds nett off-reckonings of the 97th regiment of foot	746	5	0
To Colonel Reid, in lieu of 122ds do. of the 95th do.	746	5	0
To Lieutenant Colonel Holroyd, in lieu of 122ds do. of the 22d regiment of dragoons,	431	6	0
To Lieutenant Colonel Whyte, in lieu of 122ds do. of the 96th regiment of foot	476	5	0
To Colonel Dundas, in lieu of 122ds do. of the 94th do.	476	5	0
Aug. 30. To Lord M'Leod, in lieu of 285ds do. of the 1st battalion of the 73d do.	485	16	7
To do. in lieu of 24ds do. of the 2d battalion of do. regiment	40	18	3
Sept. 30. To Colonel M'Carmick, in lieu of 122ds do. of the 93d regiment of foot	746	5	0
Nov. 23. To Lord John Murray, in lieu of 122ds do. of the 2d battalion of the 42d do.	526	9	0
To Lieutenant Colonel North, in lieu of 122ds do. of his corps of foot	371	9	3
To Lieutenant Colonel Fullarton, in lieu of 122ds do. of the 98th regiment of foot	519	18	6
To Major General Rainsford, in lieu of 122ds do of the 99th do.	746	5	0
	14687	16	0

1780.			
Feb. 10. To the Duke of Argyll, for one bat horse, for each of the two additional companies, to the 1st battalion of the 1st regiment of foot, ordered to take the field	20	0	0
To do. for an additional bat horse to do	20	0	0
To the colonels of four regiments of dragoons, for additional bat horses for their respective regiments, being ordered to take the field	240	0	0
23. To the colonels of three regiments of foot, for bat horses for their respective regiments, ordered to serve abroad	330	0	0
May 26. To the colonels of four regiments of foot, for bat horses for their respective regiments, ordered on service	440	0	0
To Sir Thomas Spencer Wilson, for additional bat horses for the 50th regiment of foot, ordered to take the field	100	0	0
To Major Dalrymple, for bat horses for his corps of foot, ordered to take the field in Jamaica	60	0	0

1780.	£.	s.	d.
To the colonels of the 60th and 79th regiments of foot, for bat horses for their respective regiments, ordered on service ——	220	0	0
To the colonels of the 78th and 83d regiments of foot, for additional bat horse for their respective regiments, ordered to take the field	200	0	0
July 26. To Major General Rainsford, for bat horses for the 99th regiment of foot, ordered abroad —— ——	110	0	0
Nov. 23. To the colonels of three regiments of foot, for do for their respective regiments, ordered abroad —— ——	330	0	0
Dec. 28. To the colonels of three regiments of do. for do. for their respective regiments, ordered abroad —— ——	330	0	0
To Sir Thomas Egerton, for one bat horse, for one company of his corps of foot, ordered to take the field —— ——	1[illegible]	0	0
To the colonels of four regiments of foot, for bat baggage, and forage for additional companies to their respective regiments, ordered to serve abroad —— ——	105	0	
	2[illegible]05	[illegible]	0
Feb. 10. To the Duke of Argyll, for baggage horses for two additional companies to the 1st battalion of the 1st regiment of foot, ordered to take the field —— —	30	0	0
Feb. 23. To the colonel of three regiments of foot, for baggage horses for their respective regiments, ordered abroad ——	533	15	0
May 26. To the colonels of four regiments of foot, for do. for their respective regiments, ordered on service —— —	713	15	0
To Major Dalrymple, for do. for his corps of foot, ordered to take the field in Jamaica —	116	5	0
To the colonels of the 1st battalion of the 60th and 79th regiment of foot, for do. for their respective regiment, ordered on service ——	411	5	0
July 26. To Major General Rainsford, for do. for the 99th regiment of foot, ordered abroad -	178	15	0
Nov. 23. To the colonels of three regiments of foot, for do. for their respective regiments, ordered abroad —— ——	536	5	0
Dec. 28. To the colonels of three regiments of do. for do. for their respective regiments, ordered abroad —— ——	615	0	0

	£.	s.	d.
1780.			
To Sir Thomas Egerton, for one baggage horse for one company of his corps of foot, ordered to take the field — —	15	0	0
	[illegible]150	0	0
Jan. 31. To the colonels of 10 regiments of foot, for 100ds winter forage for their respective regiments, ordered to be in readiness to take the field — —	2405	0	0
To the colonels of 9 regiments of dragoon guards, and dragoons, for 100ds do. for their respective regiments, ordered to be in readiness to take the field — —	5035	0	0
Feb. 10. To the Duke of Argyll, for forage for two additional companies to the 1st battalion of the 1st regiment of foot, ordered to take the field	75	0	0
To do. for winter forage for do. —	35	0	0
Feb. 23. To the colonels of three regiments of foot, for 100d forage for their respective regiments, ordered to serve abroad —	660	0	0
29. To the colonels of the 7[illegible] and 83d regiments of foot, for 100ds winter forage for their respective regiments, ordered to be in readiness to take the field — —	512	10	0
March 17. To forage money, to the general and staff officers during the [illegible] 1779 -	1474	18	0
May 6. To the colonels of four regiments of foot, for 100d forage for their respective regiments, ordered on service —	880	0	0
To Lieutenant General [illegible], for 100ds forage for the [illegible] regiment of dragoons, ordered to be in readiness to take the field —	550	0	0
To the colonels of 11 regiments of dragoon guards and dragoons, for 100ds forage for the [illegible] of their respective regiments —	55	0	0
To Major Dalrymple, for 100ds do. for his corps of foot, ordered to take the field in Jamaica	120	0	0
To the colonels of the 1st battalion of the [illegible]th and the 79th regiments of foot, for 100ds do. for their respective regiments, ordered on service -	467	10	0
June 21. To Lieutenant General Fitzroy, for 100ds do. for the 3d regiment of dragoons, ordered to be in readiness to take the field —	550	0	0
July 3. To forage money to the general and staff officers, and officers of the hospital attending the forces — —	4710	0	0

14. To

	£.	s.	d.
1780.			
14 To the Earl of Seaforth, for 120ds further allowance of forage for the 78th regiment of foot, while in camp at Jersey and Guernsey —	291	0	0
To Colonel Scott, for 72ds do for the 83d regiment of foot, while in camp at do. —	174	12	0
July 26 To Major General Rainsford, for 100ds forage for the 99th regiment of foot, ordered to serve abroad ——	220	0	0
To the colonels of sundry regiments of foot, for 100ds do for their respective regiments, ordered to take the field —— ——	2860	0	0
Nov. 23. To the colonels of three regiments of foot, for 100ds do. for their respective regiments, ordered abroad — —	660	0	0
29 To forage money to the general and staff officers during the campaign 1780 ——	1855	3	0
To the colonels of sundry regiments of dragoon guards and dragoons, for 100ds winter forage for their respective regiments, ordered to be in readiness to take the field ——	7150	0	0
Dec. 15 To the colonels of the three regiments of foot guards, in lieu of forage for their respective regiments, ordered to be in readiness to take the field —— ——	61	5	[illegible]
18 To the colonels of three regiments of foot, for 100ds forage for their respective regiments, ordered to serve abroad — —	710	0	0
To Sir Thomas Egerton, for forage money for one company of his corps of foot, ordered to take the field —— —	17	1	[illegible]
To the colonels of the 78th and 83d regiments of foot, for 100ds forage for their respective regiments, ordered to take the field —	515	0	0
To the Duke of Argyll, for forage for the 2d battalion of the 1st regiment of foot, from the time the said battalion left the camp in Hyde Park to the end of the campaign, being 120 days -	264	0	0
	38395	8	6
Feb. 10. To the colonels of sundry regiments of militia, for additional bat horses for the additional companies to their respective regiments, ordered to take the field —— ——	130	0	0
26. To the colonels of the Leicestershire and Sussex militia, for do. for their respective regiments, ordered to take the field ——	210	0	0

28. To

1780.	£.	s.	d.
28. To Colonel Tuffnell, for one bat horse for the additional company to the East Middlesex militia, ordered to take the field ——	10	0	0
To do for an additional bat horse for do. to carry the blankets ——	10	0	0
July 26. To the colonels of sundry regiments of militia, for bat horses for their respective regiments, ordered to take the field ——	420	0	0
To the colonels of sundry do for bat horses for the additional companies to their respective regiments, ordered to take the field ——	150	0	0
Aug. 30. To Lord Bateman, for bat horses for the Herefordshire militia, ordered to take the field ——	100	0	0
Nov. 29. To Lieutenant Colonel Johnes, for do. for the Carmarthenshire militia, ordered to take the field ——	60	0	0
	1070	0	0
Feb. 28. To Colonel Tuffnell, for one baggage horse for the additional company to the East Middlesex militia, ordered to take the field ——	15	0	0
July 26. To the colonels of sundry regiments of militia, for baggage horses for their respective regiments, ordered to take the field ——	653	15	0
To the colonels of sundry do. for baggage horses for the additional companies to their respective regiments, ordered to take the field ——	195	0	0
Aug. 30. To Lord Bateman, for baggage horses for the Herefordshire militia, ordered to take the field ——	155	0	0
Nov. 29. To Lieutenant Colonel Johnes, for baggage horses for the Carmarthenshire militia, ordered to take the field ——	93	15	0
	1111	10	0
Jan. 21. To the colonels of sundry regiments of militia, for 100 days winter forage for their respective regiments, ordered to be in readiness to take the field ——	6595	0	0
Feb. 28. To Colonel Tuffnell, for forage for the additional company to the East Middlesex militia, ordered to take the field ——	17	10	0
To do for winter forage for do. ——	17	10	0
May 26. To the colonels of the Leicestershire and North Hampshire militia, for 100 days winter			

forage

1780.	£.	s.	d.
forage to their respective regiments, ordered to be in readiness to take the field ———	400	0	0
July 26. To the colonels of sundry regiments of militia, [illegible] forage for their respective regiments, ordered to take the [illegible] ——	7180	0	0
Aug. [illegible] To the colonels of sundry do for 176ds [illegible] [illegible] [illegible] the field, during the campaign 1779 —	4514	8	0
[illegible] Premium, for [illegible] for the [illegible]	200	0	0
To the colonels of sundry regiments of militia, for [illegible] their respective regiments, ordered to be in readiness [illegible]	2,27[illegible]	10	0
Nov. 29. To [illegible] for the Carmarthenshire militia ordered to take the field ———	1[illegible]2	10	0
	215[illegible]4	8	0
April 7. To Robert Adair, Esq. on account of his contingent disbursements as inspector general of regimental infirmaries — —	2000		0
June 2[illegible] To do. on account, to enable him to pay the monthly allowance [illegible] regiment [illegible] — ——	2000	0	
Aug. 4. To do. on account, to enable him to satisfy [illegible] surgeons and mates in the [illegible]	1000	0	0
To do. on account of sundry contingent disbursements for hospitals, &c. ———	1[illegible]0	0	0
Dec. [illegible] To do. being the balance of his account of contingent disbursements for the sick of the army, from 25th December 1778, to 4th June 17[illegible] ——— ——	5[illegible]1	12	3
To do. being the balance of [illegible] surgeons [illegible] the Ceded Islands, &c. from 25th December [illegible] to 4th December [illegible]9 —	5[illegible]3	4	0
[illegible] the balance of [illegible] disbursements [illegible] army, [illegible] years [illegible] —	[illegible]	13	0
	77[illegible]	9	3
[illegible] To [illegible] General [illegible], to [illegible] the army [illegible], from 12th June [illegible], to [illegible] November [illegible] —	1C8	0	0

To

1780.	£.	s.	d.
To Lieutenant General Pearson, to reimburse him do. of the army encamped at Coxheath, during the campaign 1779 —	130	19	.
Feb. 1[illegible] To William Rice, Esq surveyor of the horse guards, for works done, and repairs at Whitehall, the Tilt Yard, St James's, Kensington, Somerset House, &c between 25th December 1776, and 25th December 1777 —	3170	2	4
10. To Major General Morrison, for the continuance [illegible] of the assistant to the quarter master general in marking out grounds, &c for encampment, and the pay of an extra assistant, from [illegible] December 1778, to 25th December 1779, and pay of an extra clerk from 25th October 1778, [illegible] — —	363	19	6
23. [illegible] to make good [illegible] regiment of [illegible] — —	1946	2	5
[illegible] contingent [illegible] 25th December [illegible] —	406	11	0
[illegible] 10s'd, for [illegible] regiment of [illegible] — —	1471	1	0
Ap[illegible] 14 [illegible] the [illegible] the army — —	384	12	8
April [illegible] necessaries for [illegible] the Tower, from [illegible] 1780 —	619	7	6
[illegible] Bailey, for ex[illegible] tion of par[illegible] March 1779 [illegible] — —	243	1	2
[illegible] for [illegible] sustained by [illegible] the ship Catherine, on [illegible] — —	44	1	0
[illegible] Samuel Townsend, for his contingent expences [illegible] the recruiting service, from 25th June, to 24th December 1779	390	6	8
May 12. To William Rice, Esq. surveyor of the guards, for works done in repairs, &c. of the foot guards rooms, orderly rooms Somerset House barracks and recruit house, in full for three years, from 25th December 1776, to 25th December 1779 — —	2777	19	0

Mi

1780.	£.	s.	d.
May 22. To Major General Hall, for knapsacks for the 79th regiment of foot ——	271	10	0
July 12. To Colonel William Roy, for his contingent disbursements as deputy quarter master general and commissary general, from 25th December 1779, to 24th June 1780 ——	200	19	0
21. To George Garnier, Esq. on account, for medicines, &c. supplied, and to be supplied, for the use of the army —— —	8000	0	0
24. To Thomas Harley, Esq. for blankets for the use of the troops in England ——	2242	12	2
Aug. 4. To Leonard Morse, Esq. for carrying on for two years, from Midsummer 1778, to Midsummer 1780, a progressive list of commissions of all the officers in the army, and for having a new list transcribed in 1779 —— —	250	0	0
To Colonel Piston, for knapsacks for the 75th regiment of foot — —	103	8	0
10. To Messrs. Harley and Lloyd, for packing, freight, insurance, &c. in sending cloathing for invalids in the respective garrisons, in the year 1779 —— ——	424	7	3
11. To Major General Morrison, for his contingent expences as quarter master general, from 25th December 1779, to 24th June 1780 —	225	10	0
To Colonel Samuel Townshend, for do. in superintending the recruiting service, from do. to do.	317	0	4
12. To Captain John Whitmarsh, of the Somerset militia, to defray the expences of a prosecution carried on against him, for pulling down a disorderly booth at Coxheath in the campaign 1779, by order of Lieutenant General Pierson	199	1	2
To Lieutenant Thomas Hockley, late of the West Suffolk militia, to defray the expences of do. carried on against him for doing his duty on the occasion of a disturbance, when he was on guard at Coxheath in 1778 —— —	234	10	0
Aug. 23. To the agents of the three regiments of foot guards, for extra charges of the said regiments, during the late tumults ——	782	11	8
31. To George Garnier, Esq. apothecary general, in full for medicines for the army, *anno* 1779 —— ——	4043	0	5
Oct. 4. To Messrs Powell and Cooke, for losses of officers of invalids, by the Hope Tender being taken by a French privateer ——	36	13	6
16. To John Gore, Esq. for necessaries furnished by him to the foot guards in the Tower of London, from Lady Day to Michaelmas 1780	335	5	10

To

	£.	s.	d.
1780.			
To do. for utensils furnished by him to do from Michaelmas 1779, to Michaelmas 1780 —	81	18	0
Nov. 1. To Messrs. Bishopp and Co. for the amount of bills drawn on them by Lieutenant General Haviland, for carriage of camp necessaries to Plymouth — —	109	8	11
29. To Richard Pierson, for the contingent expences of the camp at Dartford 1780 —	95	14	5
Dec. 8. To Mrs. Grizie Graham, in consideration of losses sustained by her late husband Captain John Graham of the 71st regiment of foot -	49	0	0
15. To William Rice, Esq. surveyor of the guards, for work done in repairs, &c. of the horse and foot guards for one year, to 24th December 1778 — — —	1616	8	1
21. To Colonel Samuel Townshend, being the balance of his general account of expenditures on the recruiting service, &c. for 12 months, to 24th June 1780 — —	2260	2	10
To Lieutenant General Haviland, for the hire and damage of ground for the encampment near Plymouth, in the year 1779 —	476	13	6
To Lieutenant General Monckton, to be paid over to Messrs. Carter and Aysing for damages done their ground by the Surrey militia when encamped near Portsmouth, in the year 1779	109	10	7
Dec. 21. To Lieutenant Daniel Paterson, assistant quarter master general, to be paid over to sundry persons for hire of ground for the camps near Salisbury, Aldborough, and at Fairlight, 1779, and at Blackheath 1780, and for damages done by the same — —	118	3	0
1781.			
Jan. 12. To Thomas Harley, Esq. for blankets for the use of the troops in England —	1119	11	11
15. To Leonard Morse, Esq. secretary to General Lord Amherst, for his expences for the service of the army, from Christmas 1779, to Christmas 1780 — —	526	5	4
To John Trotter, Esq. for providing hospital bedding for the use of the forces —	1965	17	0
17. To Lieutenant General Parker, for the contingent expences of the camp at Leptree Heath, during the campaign 1780 —	93	3	0
To Lieutenant General Hall, for do. of the army under his command in the northern district, from 25th February 1779, to 28th May 1780	22	18	3

	£.	s.	d.
1780.			
24. To Andrew Clinton, Esq. for providing and repairing divers utensils, &c. for the use of the barracks at Plymouth dock, from 25th December 1779, to 24th December 1780, and for his salary for providing and taking care of the same for the said period — —	287	3	10
24. To E. B. De La Fontaine, Esq. barrack master of the Savoy, for providing utensils for the use of the infirmary and barracks there, for the year 1780 — —	112	8	10
31. To Messrs Harley and Lloyd, for packing, freight, carriage, and other charges, in sending cloathing for ten new companies of invalids to their respective garrisons, in the years 1779 and 1780 — —	124	13	7
Total	3143217	19	8½

War Office,
4th April 1781. *C. Jenkinson.*

An Account of the Distribution of Nine hundred thousand Pounds, Part of the Sum of One Million, granted to His Majesty, to defray any Extraordinary Expences incurred, or to be incurred, on Account of Military or Ordnance Services for the Year 1780.

Dates of Warrants.	£.	s.	d.
1780.			
Jan. 24. To Thomas Harley and Henry Drummond, Esqrs. to be by them invested in the purchasing Spanish and Portugal coins, for the use and service of His Majesty's forces serving in North America — —	160658	16	5
Feb. 22. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces, serving in do. —	114850	15	3
May 12. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in do. —	20000	0	0
26. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces, serving in do. —	336414	2	6
29. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces serving in the West Indies	16000	0	0
June 28. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces, serving in North America	145147	19	8
To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces, serving in do. —	62773	15	4

July 20.

1780.	£.	s.	d.
July 20. To do. to be by them invested in Spanish and Portugal coins, for the use and service of His Majesty's forces, serving in do. in part of a warrant for 50000 l.	44154	10	10
	900000	0	0

War Office,
4th April 1781.

C. Jenkinson.

March 7.

Lord *North* rose and opened the budget. His lordship began with saying, that it gave him great concern, that he could not state to the committee at that time the taxes which he meant to propose as a fund, for answering the annual interest of the sum to be borrowed for the service of the year. The taxes had undergone very nice and sober investigation; but they were not yet, in his opinion, sufficiently inquired into to be submitted to the consideration of Parliament. Several papers of calculations relating to them had come into his hands but a few days before, and some fresh difficulties had started, which would require some further deliberation. In the course of a few days, he would lay them before the committee; and in the mean time he could only say, that they should be efficient, and he hoped not burthensome. The only business, therefore, that he had before him on this day was, to open the state of the expences of the current year, with an account of the sum which the ways and means, already voted, had granted towards that supply, and to move for the loan necessary to make up the surplus that was wanting; and even in this respect he found himself under considerable difficulty: he could not state to the committee the whole of the several services of the year, since some of the estimates had not yet come before the House. He could, however, make very probable conjectures of the amount of the services that yet remained to be voted; and such as the committee might go upon, so far as was necessary to the business of the present day. Lord *North*.

The sums already voted were as follow: the whole amount of the navy including the several heads under which the sums are granted, and which he severally

	£.	s.	d.
enumerated was	5,736,277	3	7
The sum voted for the army	4,239,144	0	1½
The ordnance - -	1,030,106	18	4
Exchequer bills of last year -	1,500,000	0	0

 Vote

	£.	s.	d.
Vote of credit of last year -	1,000,000	0	0
Miscellaneous services - -	277,186	6	11
Deficiencies on the taxes of 1777, 1778, 1779, and 1780 - -	639,072	2	11¾
In all	14,421,78[illegible]	11	11¼

In regard to the last article, the deficiencies as now stated to the committee, exceed those of last year by more than 100000l. but there were in the sum now brought before the House, the deficiencies of four years, and the sums of last year had only the deficiencies of three years. The deficiency of last year alone was more than 200,000l. but this deficiency did not arise from any defect in the taxes themselves, but from the mode of their establishment; the fund having commenced in January, and the taxes not taking place till Midsummer. This circumstance of the fund beginning before the taxes, produced the deficiency, and not any failure in the taxes themselves. For the rest, the deficiencies of the precedings years were much less this year than they were the last; and there was the fairest prospect of their answering, not only the whole of the sum at which they were taken, but a considerable sum more. Their failure at first had arisen from an error in the collection: it was with them as it is, and must be, with all taxes in their infancy; difficulties had arisen which were not foreseen, and which nothing but experience could remove. He held it to be a most essential part of his duty to propose taxes that would be efficient, since by their failure they were obliged to come upon the sinking fund with charges that were very injurious and impolitic. Three of the taxes which he had proposed, had failed at first, and failed considerably; but they had failed more from their novelty, than from their inefficacy. The house-tax was now clearly understood, and would undoubtedly produce the sum at which it was taken; the servants-tax also promised to bring a much larger sum to the revenue than that for which it was given. But it wanted some regulations in the mode of the collection. He intended to propose some to the House which he thought would be sufficient, and would make it in all probability fully adequate to the sum for which it was taken. The post-horse tax now held forth the most promising appearance, as it had produced nearly double since the alteration.

The

	£.	s.	d.
The ſum already voted for the ſupplies of the year was, as he had ſtated	14,421,786	11	11¼

There ſtill were ſeveral ſervices which remained, and which, though he could not ſtate to the committee with accuracy and preciſion, he could yet ſtate very near to their amount.

	£.	s.	d.
The extraordinaries of the army would be about 3,400,000—beſides this, there would be under the ſame head of war-office, a ſum of about 150,000, wanted for the raiſing independent companies, as mentioned to the Houſe, and for raiſing ſome troops in Ireland, on the Engliſh eſtabliſhment; ſo that the ſum altogether, which yet remained to be voted for the army ſervice, he looked to be about	3,650,760	0	0

The miſcellaneous ſervices were for

roads and bridges in Scotland,	3000
The African company,	13000
Somerſet Houſe -	25000

	£.	s.	d.
The amount of miſcellaneous ſervices - - -	41,000	0	0
The deficiencies on land and malt had been taken laſt year at 450,000l.—They had not amounted to ſo much as that ſum, and from the juſteſt calculation he would not ſtate them at more than -	350,000	0	0
The coinage was - -	8,004	0	0

The deficiency of the grants of laſt year, ariſing from ſeveral cauſes, amounted in the whole to	257955	3	0½
But from that ſum there was to be taken the amount of ſavings, ariſing from ſeveral cauſes	249401	4	9

	£.	s.	d.
So that the deficiency of grants to be voted was - - -	8,553	18	3½
A ſum to pay exchequer bills	1,900,000	0	0
A ſum, by a vote of credit, to pay off ſo much of the navy debt -	1,000,000	0	0

The

	£.	s.	d.
The whole of the ſum that yet remained to be voted was therefore -	6,958,416	18	3½
And the whole amount of the ſum neceſſary for the ſervice of the preſent year, voted and unvoted, was -	21,380,202	11	11¾

And for which ſum it would be the duty of Parliament to procure ways and means. The Houſe had already voted a part of this ſum, by the land and malt taxes

	£.	s.	d.
taxes - - -	2,750,000	0	0
By a ſurplus ſum lying in the exchequer, above paying the grants of Parliament - - -	288,346	19	8
Already voted - -	3,038,346	19	8
He meant to raiſe by exchequer bills towards the ſupply of the year	3,500,000	0	0

And he propoſed to charge the ſinking fund with a larger ſum this year than the laſt, and for this reaſon: Upon a review and calculation of the produce of the ſinking fund for the laſt twenty years, dividing it into four periods of five years each; it appeared that upon an average of theſe five years, it had been regularly on the increaſe, and that in time of war as well as peace, in time of difficulty as well as of eaſe. In order to ſhew this to the Houſe, he ſtated the produce of the ſinking fund for theſe periods, the ſums chargeable upon it, and alſo the diſpoſeable ſums.

In the period of five years, beginning in October 1761, and ending in 1765, the receipt of the ſinking fund was, upon an average, ſomewhat more than 6,500,000l. the ſum charged upon it was on an average 4,289,836l. 4s. 6d. and the diſpoſeable ſum on the average of that period was annually - - - £. 2,090,903 0 0

From 1765 to 1770 the diſpoſeable ſum on the ſame average was -	2,266,046	0	0
From 1770 to 1775, the ſum was	2,651,453	0	0
From 1775 to 1780, the ſum was	2,868,012	7	4

So that from this view of the gradual increaſe of the ſinking fund, the committee would perceive, that a very material advantage might be taken of the fund for the ways and means of the current year. He meant to charge it with 2,900,000l. and gentlemen would not think that this was too large a ſum, when they were told that the diſpoſeable ſum in the laſt

year

year was confiderably more than the average of the laft period which he ftated. And the committee would alfo confider, that the finking fund would receive an acceffion this year of 190,000l. by the reduction of 4 per cents, which, if Parliament did not mean, or were not inclined to apply to the fervice of the year, would leave a confiderable fum in the finking fund unappropriated.——Thefe fums, voted and unvoted, together with the fum of 12,000,000l. which he propofed as the loan for the year, and which he was about to propofe to the committee, would come to more than he had ftated the fupplies to be. It would amount to the fum of 21,438,346l. 19s. 8d. which was a furplus above the fupplies, voted and unvoted, of 58,144l. 7s. 8¾d. This furplus would certainly anfwer for any fum to which the fupplies that yet remained to be voted, would come to, above what he had ftated them to be from conjecture. In this ftatement he had allowed nothing for the favings, or money now lying in the exchequer, or in the hands of the different accomptants of ftate. There would in the courfe of this year come in feveral balances to a very confiderable amount, from different accomptants, in confequence of the inquiries and the reports of the commiffioners, appointed to examine the public accounts.—Thefe commiffioners very properly following the plan and rule prefented to them in the act, had firft enquired into the modes of the collection of the revenue; and from the reports which they had already made to the Houfe, gentlemen would perceive, that advantages would be derived from their corrections of abufe. but in this particular, they would not be fo beneficial as in others; for the reception of revenue in this country was as fimple, and as clear, as in moft countries; and he was apprehenfive that the alterations to be made there, even in times of peace, would be immaterial. But by and by, they would come to a more important fubject---to the expenditure of the public money---and there they would find feveral large and confiderable balances lying in the hands of different accomptants, or of thofe of their executors, becaufe their accounts could not be made up, which would come in very opportunely, and be applied agreeable to the refolution of Parliament. He was one of thofe accomptants, jointly with another perfon, and there was a confiderable balance in their hands. If it amounted to a million, or thereabouts, the Houfe would confider whether it might not be very properly, and with much public benefit, applied to paying

paying off ſo much of the navy debt, by which means, we ſhould be able this year to pay off two millions of that debt.

The noble Lord now obſerved, that it might be objected to him, that in propoſing a loan of 12,000,000l. he ſhould bring the committee to conſent to vote the money, without having examined the eſtimate, or knowing the ſervice. This certainly was the rule of Parliament---not to grant the money where the ſervice was not before the Houſe. He wiſhed to attend to this rule, and in fact he did ſo, for the Houſe had already granted ſupplies to an amount that would juſtify them for voting the ſum propoſed.

		£.	s.	d.
The ſums already voted, were, as he had ſtated to the Houſe. - -		14,421,786	11	$11\frac{1}{4}$
To this might be added with propriety, the ſums for which the Houſe were bound by former grants, though they had not been voted this year—that is to ſay,—the deficiency of land and malt. -		350,000	0	0
The ſum of exchequer bills iſſued in conſequence of the vote of laſt year. -		1,400,000	0	0
So that there was a ſupply actually, the ſame as voted of - -		16,171,786	11	$11\frac{1}{4}$
Towards this there was only voted of ways and means -	3,038,346 19 8			
Add to this the ſum of the loan -	12,000,000 0 0	15,038,346	19	8
And there was ſtill a ſurplus of ſupply voted, above the ways and means of -		1,133,439	12	$3\frac{1}{4}$

This ſtatement, he ſaid, would ſatisfy the Houſe, that they were not, in going into the buſineſs of the loan on that day, tranſgreſſing againſt the laws of Parliament, by granting the money without eſtimate of ſervice.

The noble lord came now, he ſaid, to the immediate ſubject of the loan, which was the buſineſs of the day. He lamented exceedingly, that he ſhould be obliged to come down and propoſe ſo large an addition to the debt of the empire, where we were obliged to borrow on ſuch diſadvantageous terms, ariſing from the low ſtate of our funds. It was, however, a calamity to which, in our preſent ſituation, we muſt unfortunately

unfortunately submit: the proposition which he had to make, was for a loan of 12,000,000 l. on the following terms, which certainly were hard.

150 l. of 3 per cents consol.

25 of 4 per cents and

4 lottery tickets to each subscriber of 1000 l. in a lottery of the same size as that of last year. At the beginning of last week, such was the state of our funds and of our affairs, that the money lenders would not agree to take the 3 per cents at more than 55, and the 4 per cents at more than 68, taking them at this rate.

150 l of 3 per cents, at 55, was	£. 82	10
25 l. of 4 per cents, at 68	17	0
1 lottery ticket, reckoned at	1	0
	£. 100	10

So that in this way it came to no more than 100 l 10s. and there must have been a larger douceur, in order to have got the money; so that if he had concluded the matter at that time, or even later in the week, he must have made a very hard bargain for the public. But since that time circumstances had happened, news had arrived, and hopes of pacification had arisen, which had wrought a considerable effect on the funds; by which means he had been able, on Monday last, to make a better bargain, though undoubtedly it was still a very hard one. The terms which he had then agreed on, and which he proposed to the consideration of the House, were to give to every subscriber of 100 l.

l.	£.	s.	d.
150 of 3 per cents consol. at 58	87	0	0
25 of 4 per cents at 70 - -	17	10	0
Four lottery tickets to each subscriber of 1000 l. reckoned at - -	1	0	0
	105	10	0

These were the terms which he had been obliged to give for the money. The 3 per cents were at 59 when the bargain was made; if they continue at that, it would add 30 shillings to the douceur and raise it to 7 l. but the money-lenders would not take it at that rate, since the circumstances which had happened to affect their sudden rise were not so beyond the reach of fate, as to be trusted to, with any degree of certainty. There had come nothing certain, nothing to be depended upon, it was only a *tend ncy* to a peace, which, if

nothing came to check it, might conclude in the prosperous event; but it had not yet taken root, it was very far from being solid, and should it be checked, should a reverse of fortune arise, it would certainly affect the funds in a very considerable degree, and in all probability bring them down again as low as they were before the rumour arose. This the money lenders considered; and as money-lenders generally chuse to be on the safe side, they would not agree to take the 3 per cents at more than 58, though they were at 59, and the 4 per cents at more than 70, though they were at 72. The noble lord observed, that the plan of raising the money this year, made undoubtedly an increase of capital; a circumstance which, in the eyes of ignorant people, was always considered as a very great calamity. But, upon the whole, he considered this a the cheapest mode of borrowing money. To borrow on a fund of 5 per cent. though it has its advantages, has also its inconveniencies. The money-lenders are not fond of it, they are afraid of its falling in value. He was aware that it might be said, that the principle upon which he had made former loans, was directly the reverse of the principle of this, viz. Here the terms tended to increase the capital of the national debt, and formerly the loan was procured by annuities. In answer to this, he should say, that it had always been his opinion, that the best way of making a loan, was by increasing the capital, and to raise the money at as low an interest as possible, because it was the interest that the people were burdened with paying of, and not the capital: but then it would be said, "if this was always your opinion, how came you to make your former loans on a very opposite principle?" To which he would reply, that increasing the capital of our debt was a matter very apt to alarm ignorant and unthinking people, and the spreading of such an alarm, however causeless the panic, might do much mischief; and therefore, rather than give rise to such an alarm, he had made his former loans upon the different principle, thinking it wiser to burden the public with somewhat more interest; and he was free to own, that he wished to have done the same this year, and should have thought it wiser, could he have got the monied people to come into such terms. He had proposed to create a 5 per cent. stock, and an annuity, but when he came to propose it, nobody would listen to it, unless he would make the stock irredeemable for fifteen years certain. As to a 5 per cent. he scarcely knew at what to have taken it, for some put one price upon

upon it, others another; however he was obliged to give up the idea for the reason he had stated.

He however owned, that he would have preferred raising the money by this means, but the terms which the money-lenders demanded were extravagant. He stated these terms, and shewed that in the first instance he would have had an interest to pay of seven and a half, instead of five and a half; and to raise consequently an annual sum of between seven and eight hundred thousand pounds instead of 660,000 l. which was the annual interest to be raised by the plan on which he had agreed. The difficulty of borrowing on the ground of annuities arose from their being an unsaleable commodity in the market.

He stated, that the annual saving, in point of interest, by the plan which he had preferred and adopted, was 120,000 l. and that this sum, so saved, if laid out in compound interest, would, in twenty-eight years, produce as large a sum as we should ultimately gain by the means of an annuity. The world in general considered the capital of the national debt in a false point of view; it was not in fact true, that our debt was more than the annuities which we annually paid. At the end of the last war, a plan had been adopted of buying up a part of the debt at the market price, which was certainly a very advantageous, as well as a fair plan for the public. That mode he hoped, and trusted, would again be resorted to; and when peace had given us the means and the opportunity of diminishing our debt, that we would take this precedent for our guide, and pay off what we could at the market price. A surmise had been propagated, that being at war with the United States, we would not hesitate to seize upon the money which they had vested in our funds. This was an idea which was at once shameful and libellous. Great Britain would never resort to such base means. On the contrary, she had followed a policy the reverse of that; for when we were forced to take up arms against our colonies, Maryland had a sum of money vested in our funds, and we had held it sacred. There, if in any instance, it would have been proper to have seized it, for it belonged to Maryland as a community, and not, as the Dutch money, which is the property of individuals; but it had been, and would always be, our policy to shew to all the world, that we kept the obligation which subsisted between the debtor and the creditor, with inviolable faith, and that we made no respect either in friend or enemy, subject or rebel, in point of strict and just performance of our engagements. With respect to the mode of

paying off the national debt at the market price, we had the conſolation of having a very advantageous reſource in the ſinking fund. He had ſhewn the committee that this fund had been gradually and regularly on the increaſe. When therefore it ſhould happen that tranquility was reſtored, he hoped and believed, that a very conſiderable proviſion might be made from the ſinking fund for diminiſhing the debt. Retrenchments in the civil eſtabliſhments and the annual expenditure, might be made, and a ſyſtem of œconomy introduced, ſo that the whole expence of the year, after providing for the ſafety of the empire, might be brought within ſuch ſtrict and certain limits, as to leave a ſaving in the ſinking fund, to be applied, with all its concomitant produce of intereſt, to the diminution of the capital of our debt. The ſinking fund had conſiderably increaſed, and it would have conſiderable acceſſions by the falling in of various annuities, particularly thoſe granted in the reign of King William. If therefore, by means of retrenchment, and other branches of œconomy, a ſaving of one million, or of a million and a half, could be made and applied to this purpoſe, we ſhould, in the courſe of fourteen or twenty years, ſtand in a very reſpectable ſtate of credit. This uſe he thought might be made of the ſinking fund, and he agreed with thoſe who recommended that ſyſtem as proper to be adopted; but he could not alſo agree with an honourable gentleman in thinking that it was by any means advantageous to apply the ſavings of the ſinking fund to this purpoſe in a time of war, and be under the neceſſity of borrowing as many new millions as we paid off. This was very diſadvantageous to the public, ſince we ſhould be obliged to pay terms for borrowing one million to pay another. Our debt would not be diminiſhed, and we ſhould incur certain fixed, and diſadvantageous expences. He hoped to ſee this plan in a time of peace and tranquility thoroughly inveſtigated, and the benefits of it applied to the public ſervice. The ſinking fund had not been affected during the war; and indeed there were reaſons why the revenues of a country might not be affected by war, if they were not benefited. The revenues might increaſe by the pervention of ſmuggling; they might increaſe by the quantity of ſtores, hemp, cordage, and other materials that were imported into the country; but thoſe advantages were again met, and counterbalanced by the advantages of a peace, which reſtored to the country the number of its inhabitants employed abroad, whoſe preſence conſiderably increaſed the conſump-

tion

tion of commodities that were exciseable, and brought with it also the return of extended and general commerce.

He stated that the sum to be raised annually, was 660,000l. and for which sum he must provide taxes. He would not have the taxes ready to lay before the House for two or three days, but as he had told them, he should be careful to produce such as would be effective. Gentlemen would consider that in all new taxes there was difficulty, and there would in general be loss; but that was no argument against new taxes in general. All duties must have had their infancy, and it could only be by experience, that the errors of collection, or the chimeras of speculation, could be rectified. For this year, he would produce taxes, for which he would not be under any apprehension. He should be careful to avoid uncertainty, and happy if he should not go to any lengths that would depress commerce. He intended to go upon matters that had been already tried, and by augmentations which were low and reasonable, rather than by new taxes, avoid the deficiencies which had been but too common of late. After having entered into several other topics of argument, he concluded with moving, "That towards the supply "granted to his Majesty, the sum of 12,000,000l. be raised "by a loan, and 480,000l. by way of lottery."

Mr. *Fox* rose next, and entered into a liberal investigation, first of the principle, and then of the terms of the loan, as stated by the noble lord in the blue ribbon; he considered both the one and the other as exceedingly reprehensible and disadvantageous. It was an easy thing, as well as a very common thing, for a minister, when he was stating the bargains which he had made for the public to that House, to tell them of several worse bargains which might have been made. This was rather a fallacious way of defending a cause, since the true mode of enquiring whether or not the bargain was a good one, was to examine whether it was not possible to make a better. The noble lord had chosen this year to get the loan, by adding a large sum to the capital of our debt; and he had, for the first time, defended this mode of borrowing money as superior to that of annuities. This was the first time that the noble lord had been of this way of thinking; for last year he had borrowed the money by the plan of annuities, and had never once observed, upon that occasion, that he was borrowing at a dearer rate than it was in his power to procure the money otherwise. The honourable gentleman was of opinion, that no system of finance could

Mr. Fox.

could be so eligible or so proper for this country, as that of borrowing upon annuities. The terms were not so much dearer in the first instance, as to counterbalance the advantages that would result in the end. The terms of the present loan, as stated by the noble lord, were much more unreasonable and extravagant, and infinitely more ineligible and impolitic than the terms which he would have been able to procure by means of annuities. The noble lord had stated, that the sum of our debt was not the nominal amount of our debt, but the actual sum which we had to pay annually for interest, and the sum which we must pay to buy up the debt at the market price; and arguing upon this ground, he had stated, that the sum to be added to our capital by the present loan, was nine million pounds; and that we have nearly saved that sum in interest by the plan which we have adopted. The great objection which he had stated to annuities was, that they were not redeemable, and consequently Parliament could not take advantage of national prosperity to buy them up at the market price. This objection lay equally against the funds in which the noble lord had taken the loan. Did he imagine he could buy in the 3 per cents. and the 4 per cents. without consulting the desires of the stockholders? Did he imagine that he could go to market, and buy in the debt at the current price? Undoubtedly not. The stockholder would, upon that occasion, as he does upon this; he would chuse to be on the sure side, and would not sell his stock but at his own price. The noble lord could not buy it in at the low price which it held in the market; so that the advantage of paying off the debt in that manner, though undoubtedly it was an advantage, was very far from being so great, even in speculation, as that which the noble lord had given out. The honourable gentleman, in a chain of arithmetical reasoning, shewed what we might expect to be the price at which it would be in our power to buy in the debt, and by this means deduced the fair conclusions that it was much more for the interest of the country to borrow money by annuities than by adding to the capital of our debt; and if we must borrow on the latter plan, it was a much more beneficial bargain to borrow money at 4 per cent. than at 3, and at 5 per cent. than at 4. It was more in our favour in the result, because it was probable that it might be bought in at a cheaper rate. If we look at the state of the funds we should always perceive that the 3 per cents stood higher in proportion than the 4, because from the probable profit being greater, they

they were more an object of estimation and pursuit. The 3 per cents now stood at 59; by the same rule of proportion the four per cents should stand at 79, whereas they were only 72 or 73. This was a very natural predilection in the public and in the stockholder; for in the prospect of the debt being paid off, and the several funds rising to par, and interest continuing during a peace at the same rate which it did now of five per cent. which by the bye he hoped it would not, then it might be in the power of the holders of the three per cents, who had bought in at this time, to make 40 per cent. and of the four per cent. holders to make only 20 per cent. while the five per cents could make nothing. This pointed out in a very strong light the great utility of borrowing money on a fund of five per cent in preference to any other, since it would ultimately be in the power of the public to buy in the debt at a cheaper rate. He therefore very much disapproved of the principle of the present loan. The noble lord had forsaken that ground on which he had gone last year, and which, though it had been exceedingly advantageous to the lender, had been also more so to the borrower, than the loan of the year which preceded it. He was given to understand that the subscribers to that loan had gained no less than 8 per cent. and while they were well satisfied, the public had less reason to be dissatisfied than they had the year before. He was given to understand, that there was actually no less than thirty-eight millions brought to market this year, and offered to the minister. This was the rumour. Was it not, then, unaccountable that the minister could not procure less than one third of that sum, without giving such enormous interest for it?—Would it not have been in his power to have procured the money by a fund at 5 per cent. and a short annuity? This was the plan which he would have wished to have pursued in borrowing the money, in order to have made the terms advantageous to the public. The honourable gentleman went through the particulars of the scheme, which he wished to have seen adopted, and displayed a most extensive knowledge of finance. By this scheme he stated, that a considerable saving would have been made to the public, even admitting all that the noble lord had claimed, that the sum secured by interest, had been annually laid out in the manner proposed, and ultimately applied to the diminution of our debt. Even upon this ground he asserted, that in 28 years we should be gainers between 4 and 5 millions, and should run no danger of the sum's being mismanaged

managed in its growing state, or of meeting with hard creditors, when we wished to pay our debts.

The honourable gentleman adverted particularly to what the noble lord had said respecting the sinking fund. He very readily agreed with the noble lord, that great and important advantages were to be derived from the sinking fund, towards the diminution of the national debt. He agreed with him also, and said, though a very worthy and intelligent friend of his was of a contrary opinion, that we ought not in times of war to think of applying the sinking fund to the discharge of debts, and be obliged at the same time to borrow money for the service of the year. He considered this as a disadvantage to the public, since they had the douceur on the loan to pay without gaining any thing by the matter. So far he went with the noble lord on the sinking fund, but no further. He wished to have heard the noble lord speak more fully on this subject. He had hinted, in a parenthesis, that the 190,000l. which was to fall into the sinking fund this year, was to supply the place of taxes. If so, he must tell the noble lord that he would sacrifice his integrity to popularity, and abuse the great public trust and confidence of his situation, merely to screen himself from the obnoxious duty of laying taxes. It was certainly an obnoxious and a painful task, but it was a task to which ministers must submit. The sinking fund was the great dernier resort of the kingdom, the last parapet of the constitution, and ought to be held in obstinate sanctity. If the noble lord set an example to his successors to apply to the sinking fund for permanent revenue, it would be the death-stroke of the kingdom. No minister would be able to connect enough of vigour with integrity to break through a custom of this nature once established, or to snatch the country from the ruin that must follow. The honourable gentleman took notice of the noble lord's assertion, that he meant to pay off two millions of the navy debt; he sincerely hoped that the navy debt would be discharged. The unfunded debt of this country bore by much the most extravagant interest of any, since the depreciation of the bills was itself a debt, and a duty upon the public. It was for this reason that he thought the true effects and burthens of the war would not be felt by the people, till the commencement of peace, when the unfunded debt came to be saddled upon them by taxes.

Independent of the strong objections he felt to the loan, as a question of finance, and a matter of œconomy, he felt it

to be still more important when considered in a political view. The profit on the loan now proposed, in every way he had been able to take it, and subject to every probable contingency, was nine hundred thousand pounds; and this large sum was in the hands of the minister, to be granted in douceurs to the members of that House as compensations for the expences of an election, or for any other purpose of corrupt influence which might suit his views. An honourable friend of his had brought in a bill to lessen the influence of the crown, by controuling the expenditure of the civil list. The design was wise and proper, but like every other design of that description, it had failed by means of that very influence which it was calculated to prevent. But the objection on which he now wished to call the attention of the House, was of much greater magnitude; it was not the excesses in the expenditure of the civil list, which amounted in the whole to nine hundred thousand pounds, including the support of his Majesty, and many great and important national services; but it was an entire sum of nine hundred thousand pounds and upwards, to be given away in the douceurs of a loan, not merely from the effect of an idle and wanton extravagance, but from much worse causes; it was given as a means of procuring and continuing a majority in the House of Commons upon every question; and to give strength and support to a bad administration. The noble lord had attempted to flatter the House that, upon a number of supposed contingencies, many events highly favourable, and a train of œconomy so extremely rigid, pure, and incorrupt, that in stating it his lordship did not appear to flatter himself it could ever be practised; but if practised, and if every thing was to happen just as we could hope and wish, why then, at the end of fourteen or fifteen years, thirty millions would be paid off; that is, we should then be twenty millions more in debt than when we began the fatal American war; and that state we are now to look for with an anxiety almost beyond the reach of hope, which would have been considered as ruinous at the time the noble lord began his administration. The terms of the loan, such as they were, the noble lord had informed the House, would have been much worse, had it not been for some good news, and good news indeed it appeared to be, if it really afforded any prospect of a peace. It was singular, however, that if the bargain for a loan was to be influenced by such a prospect, that it was not more influenced by it; and that terms so extremely disadvantageous

 should

ſhould be offered to the Houſe, when the proſpect of peace was avowed. Upon that proſpect he wiſhed to ſpeak out; he wiſhed to declare, that he felt himſelf ready to ſupport almoſt any terms that could be offered; whilſt the affairs of the nation were in the preſent hands, he thought no peace could be a bad one; that is, a general peace; for any partial or patched up peace which would leave us involved in all the neceſſities of a war eſtabliſhment, he thought would rather be injurious than uſeful, and might only tend to draw us on further in a ruinous ſyſtem, and plunge us farther into difficulties and diſgrace.

He now took a general review of his objections to the terms of the loan, urging, as the reſult of the whole, that the lottery was an unneceſſary part of the *douceur*, and ought to be omitted from every principle of policy, and of regard for the morals of the people. It had been ſaid, by a learned gentleman, ſpeaking on the ſubject of riots a few evenings ago, that if any thing could excuſe an illegal and violent mode of redreſſing grievances, it would be the pulling down gaming-houſes. The moſt dangerous and deſtructive ſpecies of gaming, which reſpected the public at large, was certainly that of lotteries; and if the Houſe ſhould ſee with him, that the lottery was unneceſſary in the loan of the preſent year, they would render the higheſt ſervice to the public, by preventing all its bad conſequences.

He therefore moved, that the latter part of the motion, reſpecting the lottery, be omitted.

Mr. Eyre.

Mr. *Eyre* thought the oppoſition made to the terms of the loan extremely unreaſonable and ill founded. The humanity of the noble lord deſerved the attention of the Houſe, in prefering an addition to the nominal debt, to an addition to the rate of intereſt. Every man was well aware of, and many ſuffered very ſeverely from, the difficulty of raiſing money, many large ſums continued on mortgage, which had been borrowed at four per cent. If the rate of intereſt in borrowing money to ſupply the neceſſities of the public, was raiſed in the manner propoſed by thoſe who had objected to the terms of the preſent loan, it would be the immediate ruin of many families, and deſtroy ſome of the firſt eſtates in the kingdom, as mortgages would be called in as ſoon as notices could be given, and the money eagerly brought to the public funds. The great evils that would be brought upon trade, by a ſudden and obvious riſe on the intereſt of money,

money, were also greatly obviated by the increase of the capital of the debt, rather than of the rate of interest.

Mr. *Hussey* spoke to the following purport: Sir, the noble lord, in stating the deficiencies of taxes paid out of the sinking fund of the last year, has not been explicit. He stated them to be 639,000l. including 30,000l. for 1758, whereas by carrying the whole produce of the taxes of the year 1777 to the sinking fund, what they were deficient, which was about 100,000l. does not appear stated in that account as a deficiency; adding that to the others, and leaving out the deficiency of 1758, will make the total deficiency of the taxes imposed this war paid out of the sinking fund of the last year, 708,000l. part of which 222,000l. was increased by the interest on the last loan, commencing from January, and the taxes not till July following. But will it not be nearly the same this year, as the noble lord is now pursuing the same line? I desire the committee to consider, that with the loan to be voted this day, the funded debt of this war, taking the annuities, long and short, at a price under what they are likely to be redeemed for, will amount to nearly sixty-five millions, for the first forty-four of which the annuity to be paid is 1,789,500l. Mr. *Hussey*.

The noble lord has stated the product of the sinking fund from the year 1760 to 1780, divided into periods of five years each.

I will examine only the last period.

The noble lord said the average yearly produce of that period had been 2,868,000l. from which he derived satisfaction, for that it had been increasing from year to year up to the last, when its produce was about three millions. That by design the noble lord has thus stated it, I will not pretend to say, but the fact is otherwise, and the satisfaction not warranted. The produce of the sinking fund from the 10th of Oct. 1775, to the 10th of Oct. 1776, was 3,243,000l. it fell in the intermediate years, and has risen again in the last year to 3,079,000l.

The causes of this variation I cannot yet make out; it is very difficult for a private man to come at them. The noble lord has promised that he will bring forward taxes for the payment of the interest of the present loan, which shall be efficient, and will amend his former taxes. The noble lord must do it, it is become necessary.

The produce of the sinking fund is what every one looks to as the public estate. To the purchaser of the three per

 cent.

cent. annuities, it is the only foundation for his expectation of being paid at par. The noble lord has said, referring to a recommendation of mine, that he had well considered the idea of reducing the national debt by an invariable application of a part of the sinking fund to that purpose That he approved it in the time of peace, a million or a million and a half per annum; but that he could never think of adopting the measure in time of war, when he must borrow with one hand, at high interest, to pay with the other, in which my honourable friend behind me agreed with him. Sir, my opinion I still adhere to. I think the present the point of time when that measure ought in good policy to be adopted, and no longer deferred, even though the public for a year or two should borrow at six per cent. to pay off a debt at five and a half per cent. Sir, all I have heard and read upon the subject to my mind has not sufficiently cleared the apparent difficulty. I will endeavour to explain it: Every one knows that there is no power of creating money, and that so much as you pay must somewhere be collected. If the noble lord was this year to borrow a million to pay off an old debt, for the interest of the million so borrowed he must lay on new taxes. A sum equal to the amount of the new taxes, from year to year, would by the public, in purchasing old debts, be put out at compound interest. The gain to the public would be that of compound interest, and if you can believe that every individual from whom the taxes are collected, each would have put out his share at compound interest, the aggregate amount would be the sum acquired by the public.

The increase of money at compound interest has been said to be infinite; it is mighty beyond belief, except to those who calculate. A million per annum from the sinking fund applied invariably with the redeemed annuities in the reduction of debts bearing an interest of 5 per cent. in thirty-seven years would pay off 100 millions, and if in the purchase of 3 per cents. at 60, 166 millions. It will be asked, have you riches to bear to pay your taxes? If we have not, this scheme falls to the ground. It has been repeatedly said from this side of the House, this country has yet resources. I believe it. If the people of England will have war, the people of England must pay for it; and it can be done only in two ways, by savings or taxes. If the noble lord will not admit of savings, he must lay the more taxes. Sir, the force of your country must be employed in the increase of your navy; every other exertion is lost. It is your navy must

secure

secure to you the trade of the world, without which, when peace comes, your burdens cannot be supported. This country must be able by its exports to pay for all its imports, and the interest of that part of its debt due to foreigners, or we sink to nothing.

Sir, these are the means by which alone our credit can be preserved, what it has hitherto been, and I hope ever will be, inviolate; and that measure for ever prevented, which I have heard some gentlemen, who have not considered all its consequences, speak of with indifference.

Now, Sir, to the business of the loan. The noble lord has said that it has always been his opinion, in borrowing, that those terms were best which required the smallest annuity or least interest, but yet that he wished, without paying too dear for it, to have borrowed on a 5 per cent. He said much the same last year.

Sir, if you are not to look to redemption, I agree with the noble lord, that the measure of interest is the best rule. That being his opinion, and having a right principle, why was not the noble lord governed by it in his bargain of 1779, when he borrowed seven millions, and much wanted eight? But then the same money lenders were afraid that another million, and in 3 per cents. would have overloaded the market of 3 per cents. The second year after they boldly prefer sending to the same market eighteen millions. I say, if instead of those wasteful terms, the 3 3-4th per cent. short annuity, the noble lord had acted on his present principle, he might have borrowed eight millions by selling 3 per cents. at 60 or even 59, and then instead of the public's paying an annuity of 472,500l. for seven millions, which it now does, it would have paid little more than 400,000l. for eight millions, and the annuity saved 72,500l. or 65,727l. he would have found by every calculation, at 5 or 6 per cent. to be worth more than the reversion of 262,500l. per annum to fall in after twenty-nine years; so that by that ill-advised bargain, the noble lord wasted for the public one million, as certainly as if it had been thrown into the Thames. As to the present terms my honourable friend has gone before me in various calculations, in some of which I disagree with him; the noble lord saying he would have borrowed on a 5 per cent. but could not have it except on extravagant terms, is language I do not like to hear from the minister of this country; he ought to be master of the bargain, and might be so, offering to the money-lenders a fair probable profit of

5 or

5 or 6 per cent. Had this been tried when the loans were small, he would have found himself now in that situation; 5 or 6 per cent. was thought a sufficient *douceur*; but money-lenders, like the rest of mankind, by encouragement, rise in their demands.

Had the noble lord looked to redemption, in my opinion, the loan should have been made in 5 per cents; not with an addition of short or long annuities, but with an addition of capital of 20 per cent. and then the capital would have been 14,400,000l. at 5 per cent. instead of eighteen millions at 3 per cent. and three millions at 4 per cent. I will suppose it probable in fifteen years that money may be borrowed at 4 per cent. in which I am justified by the noble lord and the money-lenders, because he says, they would not take it unless it was irredeemable for fifteen years; they therefore apprehend, that in less time money may be borrowed at 4 per cent. but I will suppose it fifteen years, and if money may be borrowed then at 4 per cent. I will assume that in five years after it will be to be had at 3 per cent. See then what one per cent. on the capital, or 144,000l. per annum for fifteen years, and the same for twenty years, together are worth, and their value will be found at 6 per cent. 3,050,000l. for which the public would have had less in capital to pay by three millions at 4 per cent. and 3,600,000l. at 3 per cent. to redeem which at the end of twenty years, the public must first pay 228,000l. per annum for twenty years, the present value of which, at 6 per cent. is indeed less than the value of the annuity paid to reduce the 5 per cents, by 435,000l. but for that present saving the public must pay more twenty years hence, supposing the 3 per cents then, to be paid off, at 88, and the 4 per cents at 92, nearly six millions, or 5,928,000l.

The noble lord wished for a 5 per cent. I believe him, and I know from whence the chief opposition came; from a set of gentlemen for whom I have every respect; they deserve it from the public; but in this business I differ from them totally.

I will now, Sir, consider the bargain made with the subscribers; the noble Lord leaves out the discount; it is a part of the profit; when the noble Lord made the bargain the 3 per cents were at 62, and 4 per cents at 74, which with the discount and lottery tickets, gives a profit of 14l. 10s. per cent. Take them at 55 and 70, which is 2 1-half below what they have ever been at, and the profit will be 3 per

per cent. The medium seems to me to be the fair line, which will give them a profit of 8l. 15s. per cent. from which take off the lottery tickets, reckoned by the noble lord at 1l. and the profit left will be 7l. 15s. per cent. fully sufficient. If the noble lord consents to this, I will be free to say, that I shall not so much lament the bargain, as giving us the opportunity, I hope for ever, to get rid of lotteries, which make every man mad to be rich at once, that bane to industry and good government. I know the money must be had, and I would not propose this, (upon which I am determined to take the sense of the committee) if I were not confident that not a subscriber would fall off. I have talked with members of this House, who were with the noble lord to make the bargain, one of whom I now see, who fairly confessed that he thought the terms ample without the lottery. Let me therefore entreat the noble lord, I am sure it is their wish, to leave the House to itself, amongst whom it is said, six millions are to be distributed, that we may have an opportunity, by agreeing to the amendment, of giving to the public a proof of our forbearance and disinterestedness. The consideration to the public of the lottery is contemptibly small, compared with the evil. I will urge one motive more, Public Credit, upon which in this country almost every thing depends. The forgery of bank bills, and their circulation, by means of the lottery offices, was greatly aided. It is no small consideration. The panic extended so far that revenue officers in the country foolishly refused to take bank bills unless indorsed. I speak to those who understand me; it will, when peace comes, require more specie to circulate 200 millions, than it did to circulate 140 millions. Paper credit is become essentially necessary. It must be protected by every possible guard.

Sir *Grey Cooper* defended the terms of the loan, which, in our situation, were the best that could be made. Gentlemen must consider, that in borrowing money in such times as the present, there was nothing left but a choice of difficulties; it was easy to point out better terms, but not such as the money-lenders would close with. *Sir Grey Cooper.*

Mr. *Pulteney* thought the terms of the loan extremely bad, and the douceur extravagantly high; it really amounted to upards of 9 per cent; it must have a very bad effect on the price of the funds, and encourage very extravagant expectations on future loans. *Mr. Pulteney.*

4 Lord

Lord Mahon. Lord *Mahon* supported the opposition to a lottery in its present form; he thought lotteries extremely bad; but if we were to have them, ministers ought to endeavour to secure greater advantages, which were now divided amongst the keepers of lottery-offices. He hinted at the outlines of a plan by which the profits to the public on lotteries might be increased to a considerable sum.

Mr. Byng. Mr. *Byng* pressed the minister to omit the lottery, as a part of the douceur; their consequences were terrible, and their advantages comparatively trifling. He had conversed with many gentlemen of great monied interest and connections; and he thought himself entitled to say, that in the course of two or three days the whole of the money wanted would be undertaken at the terms proposed, without the lottery. If such a proposal was not accepted, it would confirm all that had been said, from a suspicion that the douceurs were not intended for the lenders of money, but for members of that House, who lent only their names, and were to sell their subscriptions for a premium, sufficient at least to discharge the recent expences of their elections.

Lord North. Lord *North* said, that the settling the terms of the loan was undoubtedly the principal business of the day; it was his duty to state the lowest proposals which he had been able to obtain, and the House were to judge whether they would accede to those terms. Every gentleman would and ought to make any objection, which he thought lay against the proposals; but unless those objections were very material, he left gentlemen to consider what would be the ill consequences of refusing to accede to the propositions agreed on. The attention paid by monied men to the treasury would be lessened; and if it were usual for the House to settle and alter the terms, they must make the bargain. This argument certainly could not go to any thing materially or palpably wrong. In that case the House ought to interfere; but with respect to the lottery, it was a favourite part of every douceur with money-lenders; it was an advantage to them, without being any expence to government; on the contrary, 480,000l. was paid in, and retained for the greater part of a year, without interest. With respect to the opinion which had been thrown out, that the loan was a source of influence, and that half of the loan was taken in the House of Commons, they were ideas extremely strained. The loan was a public loan, very indiscriminately taken; and, as a matter of conjecture (for it could be no more on either side) without

much

much examination, he should suppose that a very small part indeed of the supposed sum was taken by members of that House. They were all of them, he had no doubt, properly qualified to fill their seats; but if they were to take such a proportion of the annual loan as had been supposed, whatever might be the state of the nation, he was afraid we should have a bankrupt House of Commons. The interest which any minister could be supposed to procure by such a loan as the present, was a very poor compensation for the great fatigue and anxiety of mind occasioned by such a burthen; and no business could, he imagined, be more disagreeable than settling the terms in meetings with men, many of whom he valued and esteemed, and was happy to see on any other occasion than that of making a bargain.

Mr. *Hussey* thought the idea of borrowing the large sum wanted of any other than the subscribers to the present loan, too vague and dangerous to be listened to. The terms with them he still thought might be much better than the present. He knew the principal objection to the loan, at 5 per cent. came from the bank; and as it was the opinion of a set of gentlemen, to whom the nation owed great and solid obligations, he felt himself inclined to acquiesce; but the lottery he was convinced, he might say he knew, might be spared, and he intreated the noble lord in very earnest and persuasive language, that the lottery might be spared. Mr. *Hussey*.

The House now divided on the amendment to leave out the latter part of the motion, respecting the lottery.

Ayes, 111; Noes, 169.

The original motion then passed without a division.

And the following resolutions passed without further opposition.

"That, towards raising the supply granted to his Majesty, the sum of twelve millions be raised by annuities, and the further sum of four hundred and eighty thousand pounds by a lottery, in manner following; that is to say,

"That every contributor to the said 12,000,000 shall, for 100l. contributed and paid, be entitled to the principal sum of 100l. in annuities, after the rate of 3l. per cent. and to an additional principal sum of 50l. in like annuities, after the rate of 3l. per cent and also to a further principal sum of 25l. in annuities, after the rate of 4l. per cent. the said several annuities, after the rate of 3l. per cent. and 4l. per cent. respectively, to commence from the 5th day of January 1781.

"That the sum of 12,000,000l. to be contributed as afore-

 said,

said, together with the additional capital of 50l. to every 100l. advanced and paid, amounting to 6,000,000l. making together in the whole 18,000,000l. in annuities, after the rate of 3l. per cent. be, from the time of their commencement, added and made one joint stock with the 3l. per cent. annuities consolidated by the acts 25, 28, 29, 32 and 33 Geo. II. and by several subsequent acts, and charged upon the sinking fund, and shall be payable and transferrable at the bank of England at the same time, and in the same manner, and subject to the like redemption by Parliament, as the said 3l. per cent. consolidated annuities are payable and transferrable there, and redeemable by Parliament.

"That the annuity, in respect of the said additional sum or capital of 25l. to which every contributor of 100l. contributed as aforesaid, shall be entitled, making together in the whole 3,000,000l. to carry an interest, or annuity, after the rate of 4l. per cent. shall be paid at the bank of England for one quarter of a year, from the 5th day of January 1781, to the 5th day of April following, and from that time shall be added and made one joint stock with certain annuities, after the rate of 4l. per cent. which were consolidated by an act of the last session of Parliament, and shall also be charged upon the sinking fund, and shall be payable and transferrable at the bank of England at the same time, and in the same manner, and subject to the like redemption by Parliament, as the said consolidated 4l. per cent. annuities are payable and transferrable there, and redeemable by Parliament.

"That every contributor towards raising the said sum of 12,000,000l. shall for every 1000l. contributed, be entitled to four tickets in a lottery to consist of 48,000 tickets, amounting to 480,000l. upon the payment of the further sum of 10l. for each, the said 480,000l. to be distributed into prizes for the benefit of the proprietors of the fortunate tickets in the said lottery, which shall be paid in money, at the bank of England, to such proprietors upon demand, as soon after the first day of March 1782, as certificates can be prepared, without any deduction whatsoever.

"That every contributor shall, on or before the 15th day of this instant March, make a deposit of 15l. per cent. on such sum as he or she shall chuse to subscribe, towards raising the said sum of 12,000,000l. with the chief cashier or cashiers of the governor and company of the bank of England, and also a deposit of 15l. per cent. with the said cashier or cashiers, in part of the monies to be contributed towards raising the said

said sum of 480,000 l. by a lottery, as a security for making the future payments respectively, on or before the days or times hereinafter limited; that is to say,

"On 12,000,000 l. to be raised by annuities.
10 l. per cent. on or before the 27th of April.
10 l. per cent. on or before the 18th of May.
10 l. per cent. on or before the 14th of June.
10 l. per cent. on or before the 24th of July.
15 l. per cent. on or before the 21st of Aug.
10 l. per cent. on or before the 18th of Sept.
10 l. per cent. on or before the 23d of October
10 l. per cent. on or before the 23d of Nov.
On the lottery for 480,000 l.
20 l. per cent. on or before the 11th of May.
25 l. per cent. on or before the 10th of July.
20 l. per cent. on or before the 11th of Sept.
20 l. per cent. on or before the 9th of October.

"That all the monies, so to be received by the said chief cashier or cashiers of the governor and company of the bank of England, shall be paid into the receipt of the exchequer, to be applied from time to time to such services as shall then have been voted by this House in this session of Parliament.

"That every contributor who shall pay in the whole of his or her contribution money, towards the sum of 12,000,000 l. to be contributed as aforesaid, at any time before the 22d day of October next, or on account of his or her share in the said lottery, on or before the 10th day of September next, shall be allowed an interest by way of discount, after the rate of 3l. per cent. per annum on the sum so compleating his or her contribution respectively, to be computed from the day of compleating the same, to the 23d day of November next, in regard to the sum to be paid for the said annuities, and to the 8th day of October next, in respect of the sum to be paid on account of the said lottery; and that all such persons, as shall make their full payments on the said lottery, shall have their tickets delivered to them as soon as they can conveniently be made out.

"That every person who shall keep any office or place for buying, selling, insuring, registering, disposing, or otherwise dealing in, any tickets or chances, or parts thereof, or on the numbers of any tickets in any lottery whatsoever, or shall by writing or printing, publish the setting-up or using such office or place, shall first take out a licence for that purpose.

"That there shall be raised, levied, and paid unto his Majesty, his heirs and successors, the sum of 50 l. for every such licence.

"That the monies to arise by the said duties, shall be applied towards defraying the expences attending the commission to be made forth, for managing, directing, and drawing such lottery.

"That the sum of 18,986,300 l. remaining unsubscribed of the sum of 20,240,000 l. in 4 l. per cent. annuities, made one joint stock by an act of the second year of his present Majesty's reign, which stood reduced to three pounds per cent. per annum, from the 5th of January 1781, be, with the consent of the several proprietors, from the 5th day of April 1781, added to, and made one joint stock with, certain three pounds per cent. annuities, consolidated by the acts of the 25th and 26th years of his late Majesty, and an act of the 5th year of the reign of his present Majesty; and that the charges and expences, payable in respect of the same, shall continue to be paid and payable out of the sinking fund, until redemption by Parliament, in the same manner, and at the same time, as the last-mentioned annuities are paid and payable; and that such persons, who shall not, on or before the 20th of March 1781, signify their dissent in books to be opened at the bank for that purpose, shall be deemed and taken to assent thereto."

March 8.

Mr. *Ord.* When Mr. *Ord* had brought up the report of the committee of ways and means of the preceding day, and the same had been read a first time,

Ld *North.* Lord *North* moved, that the same should be read a second time.

Sir *Philip Jennings Clerke.* Sir *Philip Jennings Clerke* opposed the motion, and complained of the excessive high terms, which had been granted to the subscribers, declaring that the bargain was so much against the public, that it was the common subject of conversation and surprise, without doors. Sir Philip asserted, that the *omnium* was that day done so high as from nine to eleven and a half per cent. in the alley. This he observed was a sufficient proof, that the advantage to the subscribers was infinitely larger than it ought to have been, for which reason he should move that the report be recommitted, in order that the House might amend the terms, and check so extravagant a prostitution of the public money. He complained also of the great partiality of the loan, and said, it was not fairly distributed

distributed among the honest and wealthy, but given to the minister's private friends by way of *douceur* for past services. In particular, he told the House, that he was well informed Mr. Atkinson the contractor, and partner with Mr. Mure, had no less than three millions three hundred thousand pounds to his own share. This was scandalous, and ought to be taken notice of, but it was a little remarkable that it should fall to his share to mention it on the very day, when the contractors bill was to be read a second time. No circumstance could possibly tend to convince the House of the propriety of that bill than this; since it served to shew the degree of opulence in which those gentlemen stood by their contracts.

Lord *North* replied, that the honourable gentleman must certainly have been misinformed: he had not indeed looked into the list, which Mr. Atkinson had given in; but he was very well convinced he could not have subscribed for any sum like three millions three hundred thousand pounds, and if he had, he [Lord North] would willingly submit to any censure that might be passed upon him: every one knew that it was customary for gentlemen who wished to subscribe, to ask for more than they expected, or even wished for; because they knew that the minister seldom suffered them to subscribe for as much as they asked; they therefore made allowances for the lopping off: on this principle, Mr. Atkinson might perhaps have offered a very large sum; but it was not to be supposed that it was all for himself, or that he had been taken at his offer: if Mr. Atkinson was present at the agreement, he should have his share like his neighbours; but though the honourable gentleman might do that for himself and friends, yet he should have no such sum as three millions three hundred thousand pounds. Lord North.

As to the terms of the loan, they might be too great; but it was not possible to pronounce on that head, from any transaction that had taken place this day on Change. Every bargain made this day respecting the new loan was illegal, because those who made bargains were not sure that they had any share whatever in the new loan; nor could this be known, till the House should have confirmed the resolutions of the committee of ways and means: then, and not before, would the list of the subscribers be made out and sent to the bank. It was very well known how easy it was to make bargains in the alley; and how customary it was to make them, not at a market price, but at some extravagant premium, for some sinister purposes: these bargains might be made for small sums

in the stocks, and then it would be published that stocks bore such and such a premium: but it was not from such transactions that the value of stocks could be ascertained: nor could any transaction in the alley on this day, or till the lists of subscribers should be made out, and the whole of the loan be brought into market, be taken as a standard by which the stock was to be valued.

Sir George Savile.

Sir *George Savile* proved, in a variety of arguments, that a bargain made with the minister could not be conclusive on the public till it received the sanction of Parliament. By the present practice, the noble lord made a mere instrument of that House. It was a mockery of Parliament, to call upon them to certify without deliberation; and tell them that they could not reject with safety, though they might approve without conviction. The noble lord held language, which appeared to him clearly unconstitutional, when he said to the House, I have made a bargain, you may reject it, but that will be dangerous; for there is an emergency in the business of the loan, in consideration of which it will be prudent to accept these terms, however disadvantageous. How could his Lordship undertake to the subscribers for any terms, till they were ratified in that House, and who was the cause of the emergency he spoke of but himself? Was it decent in the noble lord to consult Parliament, when too late for the prudent exercise of its opinion? Surely no.

The noble lord indeed talked of his bargains being ratified by Parliament; but after his bargains were made, there was not time for Parliament to interfere for correcting them. This case was like that of a man very hungry, ordering a dinner at an inn, and at the same time a bill of fare. While the dinner is dressing, up comes the bill of fare, which is extravagant, but which the famished guest chuses to put up with, rather than wait till a cheaper dinner is provided.

He found fault also with the noble lord for dividing his budget; and with-holding for another opportunity, that part that relates to the taxes. If another man was to borrow, the first thing he would do, would be to shew the estate which was to be the security for the payment; but the noble lord first looked for the money, and then began to look about for the estate. At the time of borrowing, it is true, he always said, that he had a sufficient estate to answer for the debt, but some way or other it always happened, that the noble lord never once in that respect told truth; for all his estates (taxes) had proved deficient. This year he promised efficient taxes; but

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he ought to take care that the old ones should not be injured by the new; and that whilst he was making new efficient taxes, the old ones should not cease to be so. He spoke very strongly against the lottery, and warmly reprehended the whole transaction as shameful and profligate. It gave rise to suspicions tending to the disgrace of that House. It gave their constituents just reason to apprehend, that they had an interest in the profusion of the minister; and that bargains made contrary to the interest of the people, were for the advantage of the representatives.

Sir *Grey Cooper* observed, that if gentlemen argued that the terms of the loan were too advantageous to the subscribers, because they bore a premium this morning of eleven and a half per cent. their argument would lose some of its weight, when it should be considered that the premium had fallen to nine and a half and even seven and a half in the course of the day. But in fact, no conclusion ought to be formed from the transactions of this day—a couple of stock brokers might agree, the one to sell, the other to buy, so small a sum as fifty pounds stock in the new loan, at an extravagant premium; but then, this must necessarily be for purposes that must strike every man who is any wise conversant in the tricks and practice of Change Alley. But in fact, the rise this day was upon lottery tickets more than upon the whole loan; for they sold at thirteen pounds fifteen shillings. The stocks in general, however, were not effected by this rise—a convincing proof that the rise was not upon the loan at large; for in that case, the other funds would have been considerably affected, if the new loan had been done at a premium of eleven and a half per cent. Nothing he had heard that day struck him as of sufficient force to render it necessary that the terms of the loan should be altered, and the whole set on float again. He had the preceding day gone as fully as he was able into the general subject and the principle of the loan, as well as the terms of it, and objections had been stated very fairly on the other side, which had been, he thought, as fairly answered. Sir Grey Cooper.

Gentlemen should consider the difficulty of borrowing money upon any terms almost, and they should consider how large a sum it was, and the great risk of loss which the subscribers ran, and then he did not imagine they would think the terms so very advantageous.

Mr. *Byng* was fired with indignation at a bargain in which there was so much prodigality, and so little regard for the interest of the public. The premium upon the loan was excessive, Mr. Byng.

five, and the public was sacrificed to the partiality of the noble lord. The profits on the loan were so great that it would be nothing but wantonness, and sporting with the money of the nation to give the subscribers the benefit arising from the lottery; and he renewed the proposition that he made last night; and he said he had authority for doing it, to find in the space of twenty-four hours, persons, who would subscribe for the whole loan; and remain perfectly satisfied with the premium it bore, without asking for a lottery. He repeated the observation of Mr. Fox, in a former debate, that though the King had but 900,000l. a year, for all the purposes of the civil establishment, yet the minister, by means of the loan, had 600,000l. in douceurs to distribute to members of Parliament. He believed from his soul that this sum was distributed among the members of that House, who uniformly supported him in all his measures---and there were speculations in this business of a nature too flagrant to pass unnoticed. He had often, he said, heard of the omnipotence of Parliament; but he was afraid that this omnipotence would be found to be no more than a name, when the people should discover that their property was squandered by those whom they had constituted their stewards: the omnipotence of Parliament would shake to its center, if the people should refuse to pay those taxes, which prodigality had created.

He reprehended Sir Grey Cooper as speaking other sentiments than those he really entertained, merely for the sake of a momentary compliance with the wishes of a first lord of the treasury.

Mr. *Burke*. Mr. *Burke* said he was sensible that the power and credit of government depended chiefly on the votes of supply, and he had uniformly been cautious how he resolved to give his assent to any of the resolutions of the committees of ways and means. But on the present occasion he must refuse it. He meant not to give a negative to the whole of the resolutions, but only to that respecting the douceur of a lottery ticket, which was a robbery of the public; ruinous to the people, and by no means necessary to the present loan, which could be obtained without it. His honourable friend over the way had accused another honourable friend who had opposed the loan yesterday of proceeding upon premises which he had not proved. Surely when it was shewn by that gentleman that the terms were exorbitant, he had proved every thing necessary, and it was not his business afterwards to ascertain

certain that better terms might have been procured, but that of the minister to shew the contrary. He was afraid that nothing would tend more to injure public credit, than to shew to the world, that it is not parliament but the minister that regulates the finances of this country. It was the idea, that Parliament having the state of the national finances laid before them, so that every man might see the state of the public debts, that supported so greatly the credit of the nation; and he was sorry to find, that while the enemy was beginning to adopt our mode, the ministers of Great-Britain were convincing the world, that Parliament had nothing to do with our taxes and loans, but to give their sanction, however contrary to their judgment, to the bargains of the minister, however extravagantly injurious to the public. The credit of Parliament would sink, and consequently so must that of the nation. From all that had been said by the different gentlemen who had argued the matter yesterday, as well as from what he had heard then, he was convinced, not only that the terms were bad, but that the noble lord in the blue ribbon might easily have got better. It was a little remarkable that the objections stated by his honourable friend, who spoke in reply to the noble lord the preceding day [Mr. Fox] were uncommonly strong, and put with the usual ability of his honourable friend; but not one of them had been answered; he took it for granted, therefore, that no answer could be given. It remained then for that House to interpose and prevent the ratification of a bargain, which was so obviously disadvantageous, that those who made it were themselves ashamed of it, and did not even pretend to argue in its favour. With regard to the lottery, it was evidently so much money thrown away, because it had been undeniably proved that the premium was sufficiently large, without the profit on the tickets. That Lord North had made a bad bargain for the public, Mr. Burke demonstrated from various considerations, and particularly from this: that in the bargain with the money-lenders, allowance was made for the possibility or the chance of the fall of the stocks, but not for that of their rise. The noble lord himself had confessed that the bargain he had made was a disadvantageous one for the public; and yet no minister in time of war ever negotiated a loan in better circumstances. In the first place it was agreed to take the lowest computation, that there were subscriptions for twenty-four or twenty-five millions, double the sum wanted, and surely this was a most decisive advan-

tage in favour of the borrower. By this means the noble lord might have counteracted the selfish views of the men he treated with, by resorting to more reasonable men, if dissatisfied with the first that offered; or supposing the parties to be the same, still it was obvious, that men who had twenty-four millions of money to employ, would be more likely to take a reasonable interest than those who had only the sum wanted; for it was not to be supposed they would let so large a sum lie in the bankers hands, when they might get a premium of 5l. 10s. which the noble lord himself admitted to be a sufficient *bonus*.

In the second place, a minister in time of war surely could never negotiate a loan with so much success, as when a peace was expected, and that was the situation in which the present minister stood, when he settled the bargain now before the House.---Added to both these considerations there was that of the commission of accounts alluded to by the noble lord yesterday, from which it appeared that immense sums were to be immediately brought into the public coffers; so that there was an immediate resort in case the loan had miscarried.---With three such advantages as these, if a good bargain was not made, no possible circumstances, that he could conceive, could ever redound to the public benefit.

---*Ne salus ipsa huic saluti esse potest.*

That God and man could not save his expences.

The honourable gentleman adverted, with inimitable pleasantry, to what had fallen from Lord North in the debate last night, concerning the poverty of the House of Commons. 'Says the noble lord, this House cannot have such a proportion of the loan as is pretended; for this is a poor House.' This the noble lord had advanced, not without wit and humour, of which Mr. Burke allowed him to be a great master. It was a very heavy charge against the honourable gentlemen; for poverty at present was the greatest dishonour, and wealth the only thing to make a man well received in all companies. But Mr. Burke recalled to the noble lord's recollection, a contrary position of his, viz. that the House of Commons was a most respectable assembly; respectable, he meant, for their independent fortunes and riches. What! was such an assembly to be corrupted?

This was the strain of the noble lord's eloquence on some occasions; but on others he found it convenient to argue their incorruptibility from their poverty, as he did at present. They have nothing to give away, therefore they cannot be corrupted;

corrupted; and thus, by the double operation of poverty and wealth, the English House of Commons is not only the most uncorrupt, but the most incorruptible assembly that ever was in the world. The rich are so full of pure water, that there is not room for a drop of foul; and the poor are like a sieve, which can hold nothing, but every thing liquid passes through it. Hence an incorruptibility might be inferred on both sides of the House from the most opposite causes —incorruptibility from—poverty:—incorruptibility from—opulence.

He wished, that instead of members coming in poor to the House, and going out rich, they might come in rich and go out poor. He was persuaded the noble lord thought erroneously of that House, for it was not justly chargeable with poverty: in his opinion too little so by a great deal. He would be happy that a seat in Parliament afforded no opportunity of growing rich, and that they came there rather to live with frugality upon their own fortunes and not to acquire new ones.

He was sorry that opulence was to be acquired by getting into Parliament—But so it was, that members were like the *tenui vulpecula*, or the weazel, which being slender, crept into the cupboard; but eat so much there, that it could not get out: so with members of Parliament, they got in sleek and slender, and afterwards being gorged with places, pensions, and douceurs, got an enormous belly, that they were scarcely able to get out again. To adopt another comparison, members came there as into a hencoop, where they fed heartily at the expence of freedom. He wished that the House of Commons were a kind of *ergastulum*, to work off those fat, large bellies, that were contracted by the *douceurs* therein acquired. He spoke metaphorically; he meant, that he wished that members might spend, instead of acquiring fortunes in the public service. But his stroking his own belly, and his situation opposite to Lord North,—*with fair round belly, with good capon lined*, raised a very hearty laugh, in which Lord North himself joined.

Having reasoned against the bargain in question, he was sorry to find by a comparison with the conduct of Mr. Neckar, how bad an œconomist the noble lord was for the public. His lordship had added by the late loan, 21,000,000l. to the capital debt of the nation. Mr. Neckar had added only 5,000,000l. by his late loan, to the debt of France. The English financier is obliged to raise new taxes to pay

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the interest of this immense sum; the financier of France does no such thing; he is enabled by savings to pay the interest of his loan, without any taxes. The noble lord loads his country with the interest in perpetuity. Monf Neckar pays only for a term of years, determinable on lives: The English interest lasts for ever; and that of France must daily decrease: not a year can pass over, that many creditors of the French crown do not die, and bequeath as many legacies to their country as she saves by the stop that their deaths put to the payment of their annuities. The French financier borrows at ten per cent. on one life. If the interest and douceurs which the English minister has agreed to pay, was reduced to annuities, it would be equal to *fourteen* per cent. on one life. Monf. Neckar, he said further, had ten millions of France in reserve for the next year, and other resources. How much then was our situation reversed? The noble lord could no longer boast of the superior state of our finances, as he had formerly used to do. He added that he was ready to agree that the French minister had not the same difficulties to encounter, that the noble lord had. Undoubtedly he had not, but then it must be considered, that the noble lord was not a minister of yesterday, he was not blameless of having assisted in bringing his country into those very difficulties under which it now laboured, and therefore the complaint that there were great difficulties in the way of his making a loan, came with a very ill grace from the noble lord or any of his supporters. Happy France in her minister! unhappy England in her financier! The difference arose from the corruption of Parliament. If a poor member of Parliament should receive an offer from a subscriber: "agree "with the minister in such and such terms for the loan; and "you shall have four per cent. on all that I subscribe for;" this would be a temptation that nothing but incorruptibility could resist; and yet, according to the terms of the new loan, a subscriber might make this bargain with a member, and still have above six per cent. for his money. Such offers made to many members might tempt them to agree to terms which otherwise they would have rejected with indignation; and thus it was that such inordinate bargains were made by ministers, because they were sure, that by applying to the interest of the members, they could get a majority in the House to sacrifice the interest of their country.

He was for recommitting the resolutions, in order to reconsider lord North's bargain on principles of œconomy; but

chiefly on a principle of public credit. The publicity of all our national transactions was the principal ground of our national credit. When no bargain could be made clandestinely, but when all was open, and subject to the revision and correction of the public (interested most certainly to make the best bargain for itself that was possible) there arose a confidence in our public faith and credit, which must be shook, if an idea should go abroad, that, however the forms of Parliament might be observed, the minister of this country was in fact absolute. It was the bad bargainer alone that could be profuse, when profusion was necessary.

Profusion, he considered as a symptom of despair; for could it be supposed, where that took place, that money could be borrowed on reasonable terms? When a bottle is first turned over, being full, it runs out at first by gutts, and but slowly; but when it is nearly exhausted it flows rapidly and with a current. The ministry, on that principle of a regard to public credit, ought to study œconomy, and to shew œconomy to all the world; that the world might judge thereby of our strength, and form conclusions in our favour; that Sir Joseph Yorke might have it in his power to say at the court of Vienna, "My countrymen are desirous of peace, but both willing and able, if it be necessary, to carry on war."

That the nations seeing this, may be inclined to grant us peace on safe and honourable terms: or at the worst, that there may be a principle in this state of resuscitation, that the *luz*, as the Hebrews speak, may be safe and sound, which if it is, there is no doubt of the body being revived. [The *luz* is a bone in the body, which being found, as the Jews believe, the body will rise again.]

After these and various other arguments against the terms of the budget, he said he was willing to believe the noble lord might have been constrained by necessity to receive them; but how did this obligation arise? In the imbecility of the administration, which emboldened the subscribers to threaten withdrawing their support, if every demand was not acceded to. On such a supposition he sympathized heartily with the noble lord, but still more with the people, who must pay for the weakness of their ministers.

This much he thought it necessary to say, in order to justify his vote the night before, the first vote he had ever given against a budget. But he thought it his duty to give his negative last night, because he believed that the minister would not have presumed to call upon Parliament to sanctify

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so infamous a bargain, if he had not thought that Parliament was arrived at that pitch of corruption, that they would accede to any terms, however scandalously injurious to the public: he wished to convince the minister, that at least with respect to him, he was mistaken.

A doubt having arisen, whether the resolution with regard to the lottery ticket should be expunged, or recommitted for that purpose, singly, and without the recommitment of the whole;

Lord North. Lord *North* was of opinion, that the two resolutions should be, in point of form, recommitted together.

The Speaker. The *Speaker* set the House right. He told them that the regular question before them, and which must be disposed of before any other should be introduced, was, whether the bill before them should be read a second time.

Mr. Hussey. Mr. *Hussey* asked whether it would be regular to move an amendment to the bill after the second reading? He was answered in the affirmative by the speaker.

The resolutions were read a second time; and when the clerk came to that part of one of them which related to the lottery, Mr. Hussey made an objection, which gave rise to a conversation. The substance of which was this:

Mr. Hussey did not find himself inclined to concur in a proposition, which some members had expressed their desire to press upon the House, namely, to have the resolutions recommitted; he would not consent to any measure that could in the least degree affect the public credit, by shaking the terms of the loan, since they had been made: the terms, he was convinced, were extravagant, but he acquitted the noble lord of any neglect of the public intirely in granting them: he was sure his lordship would have made a better bargain if he could; but, he believed, that the monied men held out obstinately, and would not agree to any others: however, as their profits were so great already, he saw no reason why they should add the additional *douceur* of lottery tickets; he knew that they would be very well satisfied with their bargain without a lottery; one of them had told him so, the noble lord himself knew, that they would not insist upon the article of the lottery; the noble lord's friends had told him so: and the only thing, he was convinced, that made the noble lord stick out for the lottery was, that he thought his honour engaged, as a minister, to make good a bargain that he had once made; he therefore intreated the noble lord, not to be tenacious on that point: if his lordship [illegible] find that the Parliament and not he

were to make the bargain, then this act of rejecting the lottery, would be the act of the Parliament, and not of the noble lord; and conſequently his honour would ſtand unimpeached: he beſought him to let the Houſe, at leaſt his friends in the Houſe, purſue their own judgment, and he was convinced that the lottery would be rejected by the whole Houſe. The paltry advantages ariſing to government from the lottery, could by no means compenſate for the inconveniencies that never fail to attend it. He moved, therefore, that the Houſe would not agree with the committee in that part of the reſolution that was for the eſtabliſhment of a lottery.

Lord *North* ſaid, that he by no means held that his reputation, as a miniſter, was at ſtake in the bargain; he was not bound by it; the Houſe could undo it; for though the committee had agreed to it, yet if the Houſe ſhould confirm the reſolution, he of courſe would be releaſed from the agreement he had made with the ſubſcribers. But he could not bring himſelf to think, that the ſaving of the money that the ſubſcribers would gain, could balance the miſchief that might ariſe, in future, to the public credit, and the difficulties that would be thrown in the way of a loan, if the perſons who made it ſhould have no proſpect of permanency in their agreement; but ſhould be deprived of part of thoſe advantages, which, perhaps had, in a great meaſure, induced them to part with it. But Parliament certainly had a right to judge; and if they ſhould think that public credit would run no riſk by thus lopping off the lottery, then undoubtedly they would, and ought to do it, as honour did not ſtand in their way; and if it did, it would be very improper in Parliament to ſacrifice the property of their conſtituents, to complaiſance for the reputation of any member whatſoever. Lord North.

Mr. *Martin* was very glad that Lord North had made ſo extravagantly fooliſh a bargain, and conſidered this as a ſubject of congratulation: for it was ſometimes ſaid, that the minority oppoſed the noble lord in all his meaſures, right or wrong, and that there was not any good ground for that violent oppoſition that was ſhewn to his adminiſtration. His conduct in this bargain would open the eyes of the nation, and ſhew, that the minority oppoſed his meaſures not without reaſon. He read over the preface to one of the king of France's edicts, which ſhewed the principles of œconomy that governed the public conduct of that monarch. Mr. Martin.

Sir *Grey Cooper* obſerved, that in the premium done this day at 11$\frac{1}{2}$, 9$\frac{1}{2}$, and 7$\frac{1}{2}$ per cent. ought to be included the Sir Grey Cooper.

intereſt,

interest, which become due at Lady-day, and which, being part of the premium, of course lessens the douceur.

Mr. Meddlicot. Mr. *Meddlicot*, in justification of the noble lord, said that he had held out, and stiffly refused to grant the terms that had been demanded by the money-lenders; and that when he at last offered the terms which were now before the House, they as stiffly, in their turn, rejected them; and his lordship left the room determined not to come to any terms: in his absence the money-lenders however consulted one another, and at last consented to come down to the noble lord's proposal; so that in fact, he had made the very best bargain in his power. Nor were gentlemen always to trust to the flattering appearances on a new loan; four years ago he had subscribed; and the day after Parliament ratified the agreement, stocks brought only two per cent. premium; in a few days it fell more than six per cent; and he actually lost six per cent. on his subscription.

Mr. Fox. Mr. *Fox* said he had troubled the House so long the preceding day, that he would not then take up much of their time. He admitted what Sir Grey Cooper had said; but at the same time made it appear from the price of stocks, that that without taking the least notice of what Sir Philip Jennings Clerke had said, about the high premium at which the omnium had been that day done in the Alley, that there was an actual *bonus* of four pounds and ten-pence upon every hundred pound subscribed over and above the *bonus* of five pound ten shillings, stated by the noble lord in the blue riboond. Mr. Fox pressed ministers to give up the lottery, and laughed at what the last member had said about the noble lord's leaving the room, while the money-lenders were screwing him up. He said there were gentlemen present, who were no strangers to borrowing money, and they had often seen the honest arts of money-lenders practised; they had left the room more than once, and yet after all, they had not obtained the money lent, upon the most reasonable terms. The gentlemen who argued like him, did not want the honourable member who spoke last to give a mite out of his own pocket, they only wished that he and the other subscribers would spare a mite of the public money which they were going to receive.

He again mentioned the more eligible terms on which it was in the power of the minister to have borrowed the money. He explained them again in the same clear manner as he did the day before, and declared, that nothing but the most criminal

minal neglect or profligacy, would have consented to the bargain which had been made. He wished to have an answer from the noble lord to this question—whether he intended to apply the one hundred and ninety thousand pounds that would fall in from the four per cents to the purposes of the sinking fund, or whether he intended to employ it as part of the fund for paying the interest of the loan, and so avoid laying on new taxes to that amount? He had already delivered his opinion upon the matter; but he would again repeat it, that if the noble lord intended to apply this sum to the payment of interest, for the sake of avoiding the disagreeable task of laying new taxes, he would sacrifice duty, honesty, and character to popularity.

Lord *North* gave no explicit answer to this question; but he said that if the subscribers should have even seven per cent. douceur, it would be more that he had expected; and consequently he could admit that the bargain in such a case would be bad for the public. But he was not yet sure that the douceur would be so great; for he was of opinion that when an immense mass of three and four per cents should be brought fairly into market, it would bear upon the other funds, and so reduce the premium. Lord *North*.

Mr. *Dempster* admitted that the terms were high; but still there were many circumstances that might reduce the premium on the loan to nothing. If Gibraltar, which had already sustained a siege nearly equal in time to a fourth part of that of Troy, if Gibraltar should be taken, the premium would fall. The rise was occasioned by a prospect of peace—that prospect, or rather tendency, as the noble lord called it, was in its infancy; if it should disappear, the premium would be worth little; but if a junction between the French and Spaniards should take place, and if our grand fleet now going to Gibraltar should be defeated, then there would be undoubtedly a loss on the loan; there was risk, and consequently there must be great encouragement to make men part with their money, especially in time of war. As to the lottery, he would not vote to have it rejected, as a blow might thereby be given to public credit in future. With respect to the one hundred and ninety thousand pounds mentioned by the honourable gentleman, he would be glad to see it carried to the sinking fund, if that fund was applied to the purpose of sinking the debt of the nation: but when he knew that in time of peace it was devoted to the support of enormous naval and military establishments, he must confess that he had Mr. *Dempster*.

rather see the one hundred and ninety thousand pounds applied to the payment of the interest on the loan, that so the public might be the less burdened with new taxes.

Mr. Hartley spoke against the lottery.

The question was at last put respecting the lottery, when there appeared against it 80, for it 133.

The other resolutions of the committee were then agreed to by the House, without a division.

The contractors bill read a second time, and committed.

March 9.

A petition of the united company of merchants of England trading to the East-Indies, was presented to the House, by Mr. Purling, and read; setting forth, that, by an act of the thirteenth of his present Majesty, intituled, "An act for establishing certain regulations for the better management of the affairs of the East-India company, as well in India as in Europe," the whole civil and military government of the presidency of Fort William in Bengal, and the ordering, management, and government, of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bahar, and Orissa, are vested in the governor-general and council of the said presidency, in like manner, to all intents and purposes whatsoever, as the same were at the time of passing the act, or at any time before might have been exercised by the president and council, or select committee, in the said kingdoms, subject to the orders received from the court of directors; and that, by the said act, his Majesty was impowered to erect and constitute a supreme court of judicature at Fort William aforesaid, with full powers and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction over all British subjects resident in the said kingdoms or provinces under the protection of the said united East-India company, and to hear and determine all complaints against any of his Majesty's subjects, for any crimes, misdemeanors, or oppressions, committed or to be committed, and also to entertain, hear, and determine, any suit, action, or complaint, against any person who shall, at the time when such debt or cause of action or complaint shall have arisen, have been employed by, or shall then have been directly or indirectly in the service of the said united East-India company, or of any of his Majesty's subjects, and against any inhabitant of the said kingdoms, for a debt arising on any contract, or agreement in writing, with any of his Majesty's subjects, where the cause of action shall exceed the sum of five

five hundred current rupees, and where the said inhabitant shall have agreed in the said contract, that, in case of disputes, the matter shall be heard and determined in the said supreme court of judicature, which said power and authority his Majesty hath been graciously pleased to carry into execution by his royal charter, bearing date the 26th day of March, in the fourteenth year of his Majesty's reign; and that, by the said act and charter, two independent powers have been erected, that of the governor-general and council entrusted with the supreme authority of government, and that of the judges entrusted with the supreme administration of justice within the provinces of Bengal, Bahar, and Orissa, between whom very alarming contentions have arisen, which have proceeded to such extremity, that a military force has been employed to resist the process of the court, and this extraordinary interposition avowed and justified upon the plea of necessity, since, without this interposition, the governor-general and council affirm, that the revenues must have been lost, the natives of high rank disgraced, and the provinces involved in confusion; and that your petitioners apprehend these contentions have principally arisen from defects in the institution itself, which has established two powers perfectly distinct and independent, without providing sufficient means to prevent their collision; and this opinion your petitioners are more inclined to adopt, by observing, that the governor-general and council on the one hand, and the judges on the other, were unanimous in every measure taken throughout this unhappy contest: that the express reference in the said act to the powers exercised by former presidents and council, as well as the nature of the subject, decide on the intention of the legislature, not to prescribe any definite limits to the authority of the governor-general and council in the civil and military government of the provinces and the management of the revenues: Probably, where a small number of strangers govern an extensive territory, in which a despotic power has ever before prevailed, and collect the revenues of that territory adapted to the nature of their former government, it will ever be impossible to prescribe any certain known rules of conduct to men entrusted with such an authority; much less will it be possible to apply the laws of this country to so novel a situation; neither do your petitioners apprehend that the court of justice established by his Majesty's charter can be rendered subordinate to the governor-general and council, as the British inhabitants in their petition to this

honourable House have requested, without totally defeating the ends of its institution; since, therefore, both these powers must subsist independent of each other, some limit seems necessary to prevent their opposition, which can only be productive of disgrace and ruin, for this purpose it seems not sufficient that the distinction between private acts of individuals and public acts of government should be recognized as a principle: this the judges have already done, but experience has demonstrated, that a rigid adherence to forms, and a strict interpretation of law, unavoidable in judges where private rights are concerned, will greatly impede, if not in many instances wholly suspend, the functions of government: Indeed, if men, exercising an undefined authority, shall be bound to state their defence with technical precision, to set forth former practice as a custom to prove the act within the power exercised by former presidents and council, and be entangled by all the strict rules of evidence, such a legal exemption must be merely nominal: your petitioners, therefore, humbly submit to the wisdom of this honourable House, whether the object may not be better attained, by permitting persons to alledge generally, that the act complained of was done under an authority derived from the governor-general and council; making their certificate, upon a reference to them, conclusive evidence of this fact, always permitting the judges to proceed where corruption was imputed as the foundation of the action entertained by the court; by such a provision, every individual, acting honestly in any department of government, will enjoy the protection necessary in an unsettled state, where dominion must be upheld by the sword, and the country regulated, as the occasion shall require, by a large discretionary power; while the attention of the governor-general and council will be drawn to the most questionable conduct of inferiors, who may be punished by censure, suspension, or dismission; and every act, where corruption is imputed, will be submitted to the more rigorous investigation of an English court of law: your petitioners find likewise, by papers transmitted to them, that men, sitting in the administration of justice have been subjected to large damages where no unworthy motive was even suggested, men have consequently been unwilling to act without an indemnity from the company, and had they not been protected by the governor-general and council, at a great expence to the company, the administration of justice throughout the country must have been suspended: the decision may

may be consonant to the rules of the supreme court of judicature, and to the laws by which the judges are obliged to proceed, but is certainly inconsistent with the present state of the country: where British subjects preside in courts which administer justice according to the ancient laws and customs of the country, a delegation of authority to those versed in the respective laws of the *Gentoos* or *Mahomedans*, as the case may require, seems necessary, and the practice has long prevailed.

To examine the conduct of these delegates, to hear objections to their report, and finally to decree upon the rights of litigants thus ascertained, appear to be the whole duty of a judge under such circumstances; yet acts of this nature have been deemed trespasses in the plaintiff, in the delegates, and the judges; should acts done in such, or the like situations, be hereafter examined by the rigorous maxims adapted to a more perfect judicature, should the parties be embarrassed in their defence by technical forms, in alledging and proving the authority of the court, and the regularity of their proceeding, much injustice seems unavoidable: your petitioners, therefore, humbly submit to the wisdom of this honourable House, whether it may not be just to leave the officers, and other persons acting under the authority of these courts, wholly to the controul of the judges of the said courts, and to subject the judges to the supreme court of judicature, only where corruption, or other criminal motive, shall be proved in a prosecution by information or indictment, leaving their errors or irregularities to be redressed by appeal to the superior courts of the country? And whether it may not be expedient to render the intended protection effectual by making the necessary allegations few and simple, and at the same time to facilitate the proof of these allegations by making the certificate of the judges conclusive evidence that the act complained of was done under their authority, and the certificate of the governor general and council conclusive evidence of the appointment of the persons claiming to act as the judges of the court? And here your petitioners think themselves compelled, by humanity and justice, to entreat the attention of this honourable House to the unhappy situation of the *Cauzee* and *Muftees*, who now languish in confinement without a possibility of relief, except from Parliament: your petitioners are further alarmed by the embarrassment in the management and collection of the revenues created by the jurisdiction of the supreme court, which have been represented to your

petitioners

petitioners to be so great and extensive as to threaten the loss of those supplies which can alone provide for the government and defence of the provinces, or render the possession of these beneficial to Great Britain: and your petitioners, in examining these papers, discover abundant proofs of the truth of that opinion which the legislature, in the act of the thirteenth of his present Majesty, seem already to have adopted, that the administration of justice by an English court of judicature is wholly incompatible, not only with the state of government in every part of the country, but likewise with the laws, customs, religion, and manners, of the people, which, among the *Hindoos* who constitute the great body of the nation, enter so much into the observances of common life, and are so blended with the character and nature of the people, that a violation of these must be felt as the most insupportable tyranny: without presuming to decide, whether those who hold districts, and become responsible with their sureties for the revenues of these districts to the company (be they hereditary Zemindars, or more temporary farmers) are, or are not, comprehended under the general words of the charter, as directly or indirectly in the service of the company, your petitioners think it their duty to represent to this honourable House, that the ordinary process of the supreme court, antecedent even to the decision of the question of jurisdiction, will produce little less than confusion: your petitioners are willing to ascribe the outrages which have been committed, by entering the apartments of the women, and the defilement of the place of worship, to the ignorance of the inferior officers of the court; but by the ordinary process, which cannot be with-held, men of high rank, possessing themselves a local jurisdiction and extensive authority, and women of the same description, who cannot appear without disgrace, are brought from the most distant parts of the provinces to *Calcutta*, and must there give bail, frequently for very large sums, by persons resident in *Calcutta*, or be committed to gaol; they may then plead to the jurisdiction, but must verify that plea upon oath, which alone dishonours them, and, after a long delay, may possibly obtain a decision in their favour: in the mean time, the districts they govern are involved in confusion, the revenues lost, themselves and families disgraced, and all these disorders produced by a judicature administered according to unknown laws, in an unknown tongue, and totally repugnant to the simple forms in which they have been accustomed to behold the administration of justice, where the profession of an

an advocate is unknown: the people hear, see, and feel the injuries, but cannot comprehend the benefit intended; and such have been their terrors, that the renters of the *Patna* and other districts, have petitioned to be discharged from their engagements with the company, representing the lawyers as the masters of right, and that whomsoever they favour, he must prevail: your petitioners apprehend, that the supreme court must be restrained from a direct interference with the management of the revenues, either by its ordinary process, or by writs of *habeas corpus*, or the provinces cannot be retained in a manner beneficial to Great Britain: and your petitioners humbly submit, that with respect to the natives in general, nothing more can be done, than to give a regular administration of justice, prompt and simple in its forms, on a more permanent establishment than that which is derived from temporary regulations made by those intrusted with the executive government, vesting an authority in the supreme court to watch over the integrity of these judges: whether such an arrangement can be best made by laws framed in England, or by a local legislature created by Parliament, your petitioners do not presume to determine; but should the former plan be adopted, your petitioners humbly represent, that if the nomination and removal of the Europeans who preside in these courts be not given to the governor general and council, who direct the residence of Europeans employed in other duties of executive government, the expence of salaries necessary on a separate establishment will become too heavy a burthen; should the latter plan be approved, your petitioners humbly submit, that a reference of the intended regulations, before such regulations be established, to the provincial chiefs and councils who may be obliged to report their opinions and reasons at large upon the subject, may furnish much valuable information, not only to those to whom the legislative power is given, but also to those whose final approbation in England may be thought a proper controul on the local legislature; and that the mode already adopted by Parliament, of requiring these laws to be registered in the supreme court, may be a useful restraint on any intended temporary arrangements of the executive government, and tend to moderate a power which cannot accurately be defined: your petitioners, with great humility, submit the whole of what is here suggested to the wisdom of this honourable House; but the court of directors, intrusted with the important concerns of the East India Company, think they should have been wanting to their duty,

ty, if they had not, in the name and on behalf of the company, conveyed the impressions which they have received from the papers transmitted to them to this honourable House, from whom alone your petitioners can expect redress: your petitioners therefore humbly pray, that the governor general and council, and those who have acted under them, may be indemnified for the resistance made to the process of the supreme court, and that such laws may be provided in future as may prevent the return of the like disorders.

Ordered, That the said petition do lie upon the table. Adjourned to March 12.

March 12.

Lord *North*. Lord *North* said, he was not ready to propose the taxes for the present year; and therefore that part of the budget was put off to the 14th.

Mr. *Byng*. Mr. *Byng* rose, and called the attention of the House to a transaction which he said merited their most particular notice: the loan of the present year was so singular in all its circumstances, so extravagant in its terms, and had been managed by the minister in a way so suspicious and alarming, that it merited the most serious investigation of that House. The extravagantly disadvantageous terms, which the noble lord had made, were notorious; not less notorious were the discontents of the people without doors with the Parliament, for having agreed to the report of the committee, by which 9 per cent. was already gained by those who had chosen to sell out their part of the omnium.

The minister's conduct, with regard to the agreement was bad, but the distribution of the loan was much worse. The loan had not been given with fairness and impartiality to the opulent, natural, and constant money-lenders; but on the contrary, there had been the most profligate partiality in the garbling of the list: the friends of the minister had been favoured with subscriptions to an immense amount; while gentlemen of the most respectable character, who had been subscribers to former loans, and to loans also in which they had been sufferers, had been totally excluded, or had received in no proportion to their applications. But what was a much worse and more lamentable evil, this partiality was not guided merely by the bias of friendship, but had its warp, as it tended to gain an influence over the members of that House. Those bankers who had applied, and formerly advanced large sums, were either cut off with very small portions, or totally neglected. The minister's favourites experienced a conduct totally

exactly the reverse, let their expectations be ever so unreasonable, or their demands ever so enormous. Mr. Atkinson is reported to have 600,000 l. on the list that was sent to the bank. And if I am rightly informed there is 230,000l. standing in the name of one house; one 30,000l. of which falls to the lot of the house, while the 200,000l. is secured for the members of both Houses. This was a species of traffic that had been practised in former years. It was remarkable that the very list sent to the bank was a fiction, containing unreal names; it appeared a fair open list, while the transaction was unfair and dark. There were members of Parliament, who had parts of the loan, but whose names did not appear. If the motions he intended to make were agreed to, he pledged himself to prove this at the bar of the House. He would prove also, that the most glaring partiality had been shewn all through the business. The list was not sent, sealed up, to the bank, before the loan was proposed in Parliament, as it formerly used to be, there to be opened the day after the report of the committee of ways and means had been agreed to by that House. No? The list was detained at the treasury. It had not been once garbled and once corrected only, but it had undergone many garblings, and many corrections; and even after the loan was known to bear so high a premium in the Alley, it was garbled and corrected anew, till reduced to the precious state in which it now appeared, and which had occasioned such loud discontents. After it had been proved that the terms were so advantageous, it had been revised by the treasury; and the friends of the minister, members of that House, the men who gave him his majorities, had been most shamefully preferred, while those whose sufferings or service gave claim were neglected.—When was the list sent to the bank? Not before the noble lord had proposed the loan to Parliament! Not immediately after Parliament had agreed to it! Not till Saturday morning! Was that part of the transaction fair? Was it just to the money-lenders without doors? Was it such as that House ought to look on with indifference? Ought they not, on the contrary, to take the whole of the matter into their consideration, to probe it to the bottom, to see who was to blame, and to take care that so much of the public money should not, on any future loan, lye at the disposal of the minister, just as he pleased to distribute it? With regard to the proportion of the sums allotted to the subscribers, they were extremely capricious and ex-

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[illegible] irregular. Some men who wrote for 50,000l. had got the whole, and some who had wrote for 100,000l. had been set down for 5000l. to some a fourth part of what they wrote for had been granted, to others a seventh, to others a [illegible], and to others not a twentieth; these facts could easily be proved, if the noble lord would consent to furnish the House with such means of evidence, as he should move for; which was, first, That a list be laid before that House of all the subscribers to the new loan, specifying the particular sum subscribed by each.

This was no new or unprecedented motion. It had been made and agreed to last year: but this he considered as insufficient for the purpose of coming at the bottom of the management and manœuvres which had been practised in the present subscription: he therefore meant to follow this with other two motions, and his next would be, That a correct list be laid before the House of all those persons who had offered to become subscribers to the new loan, but whose offers had been rejected; specifying the particular sums they had offered to subscribe. His view was to convict Lord North of having made a worse bargain for the public than he might have made; and also of the greatest injustice to the individuals who had offered to become subscribers to the new loan.

He was well informed that the noble lord had an offer of eight and thirty millions sterling, whence it was evident that he was not under any necessity of making any disadvantageous bargain.

That these offers were made by substantial and responsible men, who were equal to the propositions made by them, tho' they had not the good fortune of the noble lord's predilection.

But as it would not be a business of ease for a private individual to come at the necessary information, which would bring this to full proof; he was therefore under the necessity of moving for what would give ample evidence, not only of the partiality complained of, and the corrupt end of that partiality. His third motion, therefore, would be for copies of all the letters, notes, &c. that had been sent to the noble lord in the blue ribbon, his secretaries, any of the commissioners of the treasury, or any other person from whose hands they had been transmitted to the noble lord, conveying an application for part of the loan; by the aid of these papers the House would be able to see whose offers had been rejected, and whose had not, where the proportion granted was much less

less than the sum wrote for, and where there was an unequal proportion granted: in fact, they would have before them either the complete conviction of the noble lord, or his complete acquittal; and they would be able to decide how far the charges of partiality, which were in circulation, were founded or not. He said, that whatever these motions led to he could prove. The conduct of the loan was flagrantly unjust, and detrimental to the public. He was astonished that the noble lord should dare to observe such a conduct. He entreated him to think of the perilous situation in which he stood, before it should be too late.

The people, said he, will not, and cannot much longer bear this oppression; the day of retribution will come; and it may be sooner than some expect it. The people are at length roused to a sense of their danger, and begin to look after their own affairs.

His motion, he said, would evince that the noble lord might have borrowed money at five per cent., and that the offers of many responsible men had been rejected, and that the new loan was distributed chiefly among favourites, or with a view to support in that House the credit of the minister. He then read over his first motion, and handed it to the speaker, who read it to the House.

Sir *Edward Astley* considering, that the House lay under so dishonourable a suspicion, as that which had been just now mentioned, and lamented by Mr. Byng, thought that they were bound in honour to sift that matter to the bottom, thereby to wipe off that foul stain that had been thrown upon them. Sir Edward Astley.

Lord *North* professed that he had no objection whatever to the production of the list agreeable to the first proposition— Lord North. the list of the subscribers to the loan, as sent to the bank, in the same manner as he had done last year; but then, he said, he did not mean to go any further, and consequently that he would oppose the other two motions; and he opposed them because they were useless: for if the honourable member supposed, as he seemed to do, that there were subscribers, whose names were not to be found in the list called for in the first motion, how could the second motion furnish him with them? It was impossible. As to the third, it was in his opinion, a very strange motion; the honourable gentleman charged the chancellor of the exchequer with partiality; and having no one proof to support his charge, he calls upon that minister to unlock his escrutore, and give him up all his private letters, to see if he can discover any vestige of this partiality, with which he accuses the minister with so

much confidence.——With regard to what the honourable gentleman had been pleased to say respecting his conduct relative to the list of subscribers to the present loan, he defied that honourable gentleman, or any other person, to prove that he had been guilty of the smallest partiality, or that the whole of the transaction had not, so far as it referred to him, been done evenly, fairly, and without any bias or prejudice whatsoever. The honourable gentleman must know he could not make out the list himself. That was obviously impossible; it was a business of great magnitude—it was a day and night matter—all he could do was to give general directions in what manner the business should be done; he had given those directions, and those who received them would do him the justice to say, that he had expressly directed that no such partiality should be shewn, but that the subscription should be apportioned with fairness; such had been his directions, and he did assure the House, he believed there was no partiality shewn; he was convinced, when they saw the list that had been moved for, they would see there was none shewn. No person was permitted to subscribe after the bargain was made, to his knowledge; and the reason why the list was not sent to the bank till Saturday last, was owing to the very great extent of the list, and the number of subscribers, which was much larger than in former years. The honourable gentleman had said a great deal about the disproportion of the list; the honourable gentleman must know, that the subscription was not, and ought not to be settled by reductions *pro rata*; for by following such a system, much inconveniency might take place, for if, upon every application (let it come from whence it would, from persons known to be responsible and men of substance, or from persons whose names were known to the treasury as subscribers, and whose responsibility was a matter of doubt) the same rule was observed and a certain portion was to be given to each, government would run great risque, and when the deposit days came the payments would fall short. Another objection to applying any particular given sum to the business was this; if a man knew he would have a fourth part of what he wrote for, or half of what he wrote for, in that case, every application would be either for four times, or for twice as much as the person applying really wanted. As the matter stood now, it was well known that almost every person, who applied for part of the loan, wrote for a great deal more than they expected, or than they were allowed, and therefore no certain mode of reasoning, or of objection, could be built on the

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single, [illegible], that the [illegible] the sums [illegible] for. But the honourable gentleman had complained of members of Parliament being subscribers; really he knew of no law that made it a crime in members of Parliament to subscribe. There were in that House several men of great substance, who at all times applied, and had always had their proportion according to the amount of the applications offered, but it did not follow that they always gained by it. Certainly they did not, for three or four years ago they suffered greatly; and with regard to there being any members of that House who had sums in the loan under concealed names, he knew of none such. As to Mr. Atkinson, he was satisfied that he had no such sum as had been mentioned by the honourable gentleman; and though whatever had been given to him was for the whole house of Muir, Son and Atkinson; yet he was convinced, though he had not looked into the list, that the whole firm had no such sum as 600,000l. It was said that Mr. Atkinson had 200,000l. in the names of other people—He did not believe a word of it; because, in consequence of one honourable gentleman's having in the course of last week asserted, that Mr. Atkinson had so monstrous a portion of the loan as three millions three hundred thousand pounds, he had ordered a strict enquiry to be made into what Mr. Atkinson had, and had expressly directed, that it should be searched into, whether Mr. Atkinson had any part of the loan under any other name than his own. He had even put that question to Mr. Atkinson, from whom he had received an answer, the most solemn declaration, that he had no share whatever in the loan, but what stood in his own name and that of his house. Indeed if he had, it must be a deception; for it must be in direct opposition to the most positive orders which he had given, that no stock should be held by any man but in his own name; and that no partiality whatever should be shewn to any one. If, notwithstanding these orders, any partiality had been shewn, the person aggrieved would complain, and then the business would come fairly before the House; and as any thing contrary to those orders, must be a deception upon him, so he would be as ready as any man to express his censure of the transaction.

As to what had been said again of the omnium's bearing so high a premium as nine per cent. he could only say that he thought, that a small part of it coming to market thus early, and bearing that price, though it was something surprizing, it did not go to the establishment of the position contended for by the honourable gentleman, and by those

those who had spoken on the subject last week; viz. that the whole loan bore a premium of nine per cent. and that 900,000l. of the publick money were thrown away. Gentlemen must know, that if any large proportion of the omnium, if a fourth, a half, or three-fourths were brought into the market, the premium would fall greatly, nay the omnium would be done below par, perhaps at three or four per cent. discount; at a certainty it would, if the whole came to market at once. If however after the deposit was paid, and the matter was settled, the present high premium of nine per cent. should continue upon it, he was ready to own that he should be extremely sorry, and that he had given much greater advantages than he ought to have given, or than he intended to give. He should, in that case, consider the advance of premium as a bad effect arising from a good cause.

The fact was, he had done his best, and of all the offers that had been made, he had accepted that which was least hard and disadvantageous to the public. He again felt it necessary to advert to the reason of the lists not having been sent to the bank before the loan was proposed to parliament; it never had, on any occasion, been sent till after the House had agreed to the report of the committee of ways and means. As soon as that was over, the list was examined and sent; but gentlemen forgot that in a subscription of such a size as the present, and where the subscribers were so numerous, it was not a matter of little time to prepare the list; it took up many, many, hours; it was not the work of a day, but of all day and all night, and all day again. With regard to its having been garbled, he denied the accusation; that it had been corrected was surely no crime, but that any alteration had been introduced since the loan had been made known to Parliament, was, he was pretty well assured, not founded. The orders he gave, were to receive no letters nor applications for scrip that were not brought before one o'clock on Monday last, at which hour the gentlemen met to settle the terms. The rule of that meeting was to convene the monied men, who had made applications and offers, and to convene the heads of all the great public companies, who usually assisted government with money, but who never made any application previous to that meeting; by these gentlemen so collected, the terms were settled, and it was always usual to expect that the gentlemen who were present were to take a pretty considerable share of the loan among them. As to the idea of forcing open his scrutore and taking out all private letters

letters and papers, that had any reference to the loan, he flattered himſelf the Houſe would not think ſuch a meaſure neceſſary. If that was to be the caſe, the Houſe had better take the whole of the buſineſs upon themſelves in future, and inſtead of the letters, from perſons deſirous of becoming ſubſcribers, being directed to the firſt lord of the treaſury, they ſhould be directed to the clerk of the Houſe and read at the table. The honourable gentleman had accuſed him of partiality; it was he believed rather extraordinary for one perſon to charge another with partiality, and then to ſay, "Give me the key of your bureau and your ſcrutore, let me empty all your drawers, look over all your papers, and read every letter I can find, and then I'll tell you, whether I can prove my charge or not!" Certainly ſuch a mode of application would never be countenanced by that Houſe; and indeed it was altogether unneceſſary, becauſe the motion already before the Houſe would ſhew who were the perſons that had ſcrip, and if any one thought himſelf aggrieved, as he had already ſuggeſted, undoubtedly he would not be ſilent upon it, and gentlemen would have an opportunity of bringing the matter forward. His lordſhip concluded with declaring that he ſhould not oppoſe the motion then before them.

Sir *George Savile* wiſhed that one ſide would not hint at facts before they were eſtabliſhed in proof, nor the other be ſo ready to declare that this was ſo, and that was otherwiſe. *Sir George Savile.* Such conduct was in neither caſe parliamentary, but he ſaid, that he, from the moſt compulſive internal evidence ſupported the motion; for it was not likely that the deſired information could be obtained by any other means. thoſe perſons indeed might complain who had not got enough; but there was another ſet of men who would not complain, but of whom the Houſe would complain, namely, thoſe who had got too much; it was neceſſary therefore to paſs this motion, in order to diſcover where the partiality lay; this could be but by the liſt called for in the ſecond motion; and if the noble lord ſhould refuſe to grant it, it might fairly be ſaid, that he defied his accuſers, only becauſe he knew, that as he withheld, ſo they could not otherwiſe come at the only evidence which could convict him. As to the private letters in the noble lord's eſcrutore, they were written to a miniſter of ſtate, on the ſubject of the loan, and conſequently ought to have been called public letters by the noble lord. And as he would pay no regard, on the one hand, to ſuſpicions of guilt, or on the other, to aſſertions of innocence; he deſired to

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have the proofs, and then institute the enquiry. There were two ways of garbling the list; a right way and a wrong one. Let the House see which of the two had been followed. Whether the reductions were made by a rule of prudent justice, in which regard was had to the ability of the subscriber, and the quantum for which he had written, or that it was merely done by a rule for the purpose of corruption and influence.

Mr. Robinson.

Mr. *Robinson* (of the treasury) said the same, that Lord North had said, with regard to the directions he had given, that the list should be made out fairly and impartially; and declared, that his duty in that House, would not suffer him to see the whole of the business done, but that as far as it had come under his inspection, he could answer for it, that the noble lord's directions had been punctually complied with, and that the list was made out without any prejudice or partiality.

He also insisted, that no such sum as 600,000l. had been given to Mr. Atkinson; and he could assure the House, that Mr. Atkinson had solemnly declared to him, that he held not a shilling of the new stock under any borrowed name.

Mr. Byng.

Mr. *Byng* declared, that it was only by the production of the lists and the papers which he called for, that the House could come at the knowledge of the facts which he had alledged. The noble lord had said that it would be improper to open his bureau, and examine his letters.—The noble lord's bureau in this instance, was the bureau of the public,—liable to the inspection of that House;—and as an accomptant, he received no letter in a private capacity.—The assertions of the noble lord and the honourable gentleman might be true;—he wished to enquire into the truth.—But the noble lord kept the key of his bureau, and he denied to the House the only means of information, by which they could know, whether his assertions were true or false. In regard to Mr. Atkinson he said, that there were some circumstances in his knowledge which he could communicate of a very suspicious nature. It was pretty certain that he was in a room at the treasury by himself, with the list, while many respectable and responsible men had it not in their power to converse with the noble lord on the subject. He firmly and truly believed that Mr. Atkinson was the man who had the whole and sole power of garbling and managing that list. There had been the utmost injustice and partiality in the business; that his constituents, the merchants, and the great

respectable houses in the city of London, had been treated with injustice. Men who had written for 100,000l. had only got 5000l. while others had got all for which they applied. Mr. Boldero wrote for 100,000l. and got only 6000l.

How was he to prove his charge, if he was denied the means of getting at evidence? He was well assured that Members of Parliament had a part of the loan under other persons names, and he had been well informed, that a particular gentleman saw in the list his name down for 10,000l. when two members of Parliament went and claimed it, declaring it was put down for them.

The noble lord's delegation of his business to Mr. Robinson, that gentleman to a third, and he to a fourth person, was truly ridiculous. The noble lord's assertions may be true, but he wanted the only credible evidence of his veracity, and therefore begged the noble lord to remember what key it was he asked for. Not the key of his bureau, not the key of his private papers, but the key of the public treasury! the key of those papers which concerned the people of England, and which that House, as the representatives of the people, had a right to demand! a right to examine! He complained of being deprived of the means of establishing the truth of a charge of the foundation of which he said, he stood convinced, from the noble lord's refusing to go into the enquiry.

Mr. *Robinson* replied to Mr. Byng, and said, what he had urged respecting Mr. Boldero was erroneous. It was true that Mr. Boldero had imagined that only 6000l. were put down to him, but he had sent him a note that morning, stating that it turned out to be the error of a clerk in the bank, in the omission of a figure, for that on examination of the list, he had found that he had 60,000l. As to Mr. Atkinson, he had been consulted about names in the city, of which they were ignorant, lottery-office-keepers, taylors, and others, who had applied for scrip: but with regard to what the honourable gentleman had asserted, as to Mr. Atkinson having the list in a room by himself, the fact had never happened, he had neither settled the list, nor had he the list to interfere with at all. Mr. *Robinson*.

The first motion was put, and agreed to.

Mr. *Byng* then moved, Mr. *Byng*.

"That there be laid before this House, a list of the persons who offered to subscribe to the said loan, whose offers

"were rejected, together with an account of the sums offered "by each person."

Mr. Byng said it gave him pleasure to hear that the case of Mr. Boldero was ill-founded, it was sufficient however to shew, that he had not spoken altogether without authority, though he had not before heard that the error was set right. He wished to go into the matter, that more errors might be cleared up. Give him the list of those who had not, and he hoped publick suspicion would be removed.

Sir Richard Sutton.

Sir *Richard Sutton* said, that the object of the said motions could not be attained by them; for if the House should be desirous to know whether stock was held by gentlemen in the names of others, they never could discover this, as they had not the power to examine upon oath; and if to the charge of partiality the noble lord should plead that he had rejected the offers of some gentlemen, because perhaps he had thought they were not sufficiently responsible, and admitted others whom he thought more responsible, how was he criminal? For it could not be said that the minister did wrong in exercising a discretion in judging who were responsible men, and who were not; consequently, after the list moved for should be produced, if the motion meant any thing, it meant to prove that the men whom the noble lord had rejected were as responsible, or more responsible, than those whose offers he had accepted. Hence there would arise a necessity of a new act of Parliament to enable a committee of the House of Commons, to institute an enquiry into men's fortunes or circumstances, and to examine witnesses upon oath, and hence the time of the House would be taken up with debates upon the responsibility of men; a business not very properly calculated for discussion within those walls.

Mr. Byng.

Mr. *Byng* replied, that to sift out the private fortunes of individuals, or to take a comparative view of the responsibility of different men, was not at all his object.

Mr Fox.

Mr. *Fox* said he was astonished to find the noble lord opposing those motions, to negative which would be more consistent in those who wished the degradation of that House in the eyes of its constituents; for by such a vote it would be conspicuous if the public money was voted for a partial purpose, and the only means of refuting the opprobrious imputation if groundless denied. The argument adduced by the honourable gentleman [Sir Richard Sutton] was too insignificant

ficant to merit an answer, yet he could not help observing upon it, if the House could not, by oath, find out the responsibility of subscribers, no more could the noble lord, when he settled the distribution of his loan: but no such examination was intended; the idea was absurd, and it was plain enough might appear upon the very face of the paper, admitting the truth of what his honourable friend had suggested, that many very responsible gentlemen had offered large subscriptions, and had not been permitted to subscribe at all.—The noble lord had protested his own innocence, as to the matters alledged; but he must beg leave to protest against such evidence.—Not in any private or uncivil sense, but in a public, he did not scruple to profess, that here he gave not the least credit to the noble Lord's assertion; for he never could believe a man who said, "I am innocent," yet withhold every means of information, by which his innocence might be proved: such conduct was always a strong presumption of guilt, nor could the noble lord's objection to produce the letters answer his purpose; for those he well knew were not private, they were public addresses, and should be open for the inspection of Parliament. He was, however, not unwilling to believe his lordship when he professed his own personal good intention; perhaps he might be ignorant of the partialities that were practised; yet those did nevertheless exist, as he had every reason for believing, particularly in one instance, mentioned in a letter just put into his hands; the writer of which he would not now name; having no express permission to do so, but should have that liberty he doubted not to-morrow or next day; mean time he could assure the House he was a person of importance and responsibility. He read here a letter, in which the writer complained of having applied so early as last November to have a part of the loan, for which he had laid by 50,000l. and had not had a single shilling of the subscription allotted to him. This gentleman had long been a subscriber, and had been one of those that suffered by the subscription falling in its price so considerably as it did, four years ago. He was now also in the truest sense of the words, a sufferer, because having really prepared the money to answer the event, he had lost the interest of it. In the letter the writer supposed the noble lord had omitted his name, in order to give a preference to some person more convenient to him in Parliament. This he said evinced that men out of doors thought

"were rejected, together with an account of the sums offered "by each person."

Mr. Byng said it gave him pleasure to hear that the case of Mr. Boldero was ill-founded, it was sufficient however to shew, that he had not spoken altogether without authority, though he had not before heard that the error was set right. He wished to go into the matter, that more errors might be cleared up. Give him the list of those who had not, and he hoped public suspicion would be removed.

Sir Richard Sutton. Sir *Richard Sutton* said, that the object of the said motions could not be attained by them; for if the House should be desirous to know whether stock was held by gentlemen in the names of others, they never could discover this, as they had not the power to examine upon oath; and if to the charge of partiality the noble lord should plead that he had rejected the offers of some gentlemen, because perhaps he had thought they were not sufficiently responsible, and admitted others whom he thought more responsible, how was he criminal? For it could not be said that the minister did wrong in exercising a discretion in judging who were responsible men, and who were not; consequently, after the list moved for should be produced, if the motion meant any thing, it meant to prove that the men whom the noble lord had rejected were as responsible, or more responsible, than those whose offers he had accepted. Hence there would arise a necessity of a new act of Parliament to enable a committee of the House of Commons, to institute an enquiry into men's fortunes or circumstances, and to examine witnesses upon oath, and hence the time of the House would be taken up with debates upon the responsibility of men; a business not very properly calculated for discussion within those walls.

Mr. Byng. Mr. *Byng* replied, that to sift out the private fortunes of individuals, or to take a comparative view of the responsibility of different men, was not at all his object.

Mr. Fox. Mr. *Fox* said he was astonished to find the noble lord opposing those motions, to negative which would be more consistent in those who wished the degradation of that House in the eyes of its constituents; for by such a vote it would be conspicuous if the public money was voted for a partial purpose, and the only means of refuting the opprobrious imputation if groundless derived. The argument adduced by the honourable gentleman [Sir Richard Sutton] was too insignificant

ficant to merit an anfwer, yet he could not help obferving upon it, if the Houfe could not, by oath, find out the refponfibility of fubfcribers, no more could the noble lord, when he fettled the diftribution of his loan: but no fuch examination was intended; the idea was abfurd, and it was plain enough might appear upon the very face of the paper, admitting the truth of what his honourable friend had fuggefted, that many very refponfible gentlemen had offered large fubfcriptions, and had not been permitted to fubfcribe at all.—The noble lord had protefted his own innocence, as to the matters alledged; but he muft beg leave to proteft againft fuch evidence.—Not in any private or uncivil fenfe, but in a public, he did not fcruple to profefs, that here he gave not the leaft credit to the noble Lord's affertion; for he never could believe a man who faid, "I am innocent," yet withholds every means of information, by which his innocence might be proved: fuch conduct was always a ftrong prefumption of guilt, nor could the noble lord's objection to produce the letters anfwer his purpofe; for thofe he well knew were not private, they were public addreffes, and fhould be open for the infpection of Parliament. He was, however, not unwilling to believe his lordfhip when he profeffed his own perfonal good intention; perhaps he might be ignorant of the partialities that were practifed; yet thofe did neverthelefs exift, as he had every reafon for believing, particularly in one inftance, mentioned in a letter juft put into his hands; the writer of which he would not now name; having no exprefs permiffion to do fo, but fhould have that liberty he doubted not to-morrow or next day; mean time he could affure the Houfe he was a perfon of importance and refponfibility. He read here a letter, in which the writer complained of having applied fo early as laft November to have a part of the loan, for which he had laid by 50,000l. and had not had a fingle fhilling of the fubfcription allotted to him. This gentleman had long been a fubfcriber, and had been one of thofe that fuffered by the fubfcription falling in its price fo confiderably as it did, four years ago. He was now alfo in the trueft fenfe of the words, a fufferer, becaufe having really prepared the money to anfwer the event, he had loft the intereft of it. In the letter the writer fuppofed the noble lord had omitted his name, in order to give a preference to fome perfon more convenient to him in Parliament. This he faid evinced that men out of doors thought

that the noble lord used the opportunity of distributing a loan to the favourite purpose of extending the influence of the Crown.

The noble lord had declared, that more than five and a half per cent. would be too much for the money-lenders, and yet the premium on script was this day nine and a half per cent. The House, he said, knew well how to value a declaration of impartiality, accompanied with a refusal to disclose the means of proving the greatest partiality. He said, that the conduct of members of Parliament, who had shares in the usurious new loan was most barefaced and shameful. It was such a conduct as the noble lord in the blue ribbon would not be guilty of himself, however he might encourage it in others.

It could not now be said, that the affairs of the people are safe in the hands of the House of Commons, because that House and their constituents had one common interest: for twelve millions of money were to be borrowed at the most enormous interest, and borrowed from members of Parliament; so that that maxim of the representatives and represented having one and the same interest, was reversed: for the more money is squeezed out of the people, the higher interest can the minister afford to give to their representatives for the use of their money. The four hundred and eighty thousand pounds, out of which the minister had suffered the nation to be cheated, was equal to one shilling in the pound land-tax. He was exceedingly sorry to see the noble lord object to the motion, since it seemed to be his inclination to sanctify the suspicions that had arisen in the breasts of men against that House. When it was said, that the terms of the loan were extravagantly high, and that much more reasonable terms could have been procured, the noble lord was supported by a number of gentlemen who were subscribers to that loan, and who abandoned their duty as trustees for the sake of their interest as money-lenders. They had voted to take the money out of the pockets of their constituents to put it into their own, and had made bad terms for the people, in order to make good terms for themselves. This was the suspicion the noble lord justified by withholding the means of information. He wished the House to agree with the present motion, to rescue Parliament from the ignominy of sacrificing the interest of the country, to their own.

The

The noble lord had said, that if members of Parliament were in the list of subscribers, they owed nothing to partiality; but surely the case of members of Parliament, and other men, cannot admit of a comparison. For the constituents were to pay for the loan; the representatives, as subscribers, were to gain by it; and as they voted the money of their constituents out of their pockets into their own, it could not be said, that they would support the interests of the people against their own: but by forgetting their duty in the capacity of parliamentary delegates, and acting upon the impulse of their capacity of money-lenders, they would betray their trust, and set up their own interest in opposition to that of their constituents.

Lord *North* said, that as to the bargain, which the money-lenders had gotten, he confessed he felt it to be too good, and he was very sorry for it; it was more than he could have foreseen, and more than he would have consented to, if he could have foreseen what had happened. But as to the extraordinary premium of 480,000l. that gentlemen said had been gained by the subscribers, he could not admit that so much could be gained, when the twelve millions should have been fairly brought into market; that circumstance would undoubtedly lower the premium very considerably. With regard to the idea of extending the influence of the crown by means of a loan, if that argument was to be tried by the test of the present loan, he believed it would be found that he had made more enemies than friends by the list sent to the bank; for though he was not conscious of having been at all to blame, or of having acted in the least with partiality, he was pretty certain, that the number of persons who were extremely angry with him for letting them have so little of the loan, was considerably greater than the number of those who were thankful for what he had given them. Lord *North*.

Mr. *Hussey* said, he had only a few words to say concerning Lord North's declaration, that he was sorry at the advanced premium on the omnium. He was the first chancellor of the exchequer, he believed, in the annals of England, who expressed a sorrow at the public credit of his country. Was this fit language for the chancellor of the exchequer? If the subscribers got nine and a half per cent. at market for the new loan, why should the noble lord be sorry, when it was a proof of the stability of the national credit? The noble lord had said, that if the subscribers should bring the whole loan to market, the premium would fall considerably; Mr. *Hussey*.

but

but was it for fear of such a catastrophe, that they kept their stock at home? No, certainly, but because they knew they could make more of it, by waiting some time.

Lord North. Lord *North* declared, that he never intended to imply that he was sorry the funds had risen, just the contrary; all he meant was, he was sorry that he had not foreseen that they would rise, and that the loan would bear so high a premium, that he might have made a better bargain. God knew, it would give him infinite satisfaction, if the funds in general rose in a much greater proportion than nine per cent.

Mr. T. Townshend. Mr. *T. Townshend* did not see how the House could avoid agreeing to the motion before them, whether he considered the obligation of the House to maintain their honour, or to do their duty to their constituents. He was astonished to hear that noble lord talking of his scrutoires, and his bureau. They were the public treasury of the kingdom. The noble lord declared he was impartial, but refused the means by which alone his impartiality could be evinced. Let the names of such subscribers as were rejected be compared for responsibility with the names of those who were admitted, and, on the whole, let the principles be fairly pointed out on which a preference was given to the latter. Could any thing be fairer than this, or more candid? He laughed at the importance of Mr. Robinson, who was obliged to leave the business in question in the hands of Mr. Atkinson, and to come down to manage the affairs of that House. To be sure, it must be owned, his presence in this House is almost as necessary as that of the noble Lord. He was going to say, that the noble Lord and he form almost a majority in this House. The noble Lord commits the management of the loan to Mr. Robinson, and Mr. Robinson to Mr. Atkinson, who would very probably be one day at the noble Lord's side in that House; an event which he sincerely wished for, that he might have an opportunity of knowing so universal a genius: for, on all emergencies, there was no other name to be heard than Mr. Atkinson. Do you want transports? Apply to Mr. Atkinson. Do you want rum? Mr. Atkinson will find it. Do you want provisions? and so on—There is no doing without Mr. Atkinson.

He affirmed that there had not been any thing like a reason offered for not agreeing to the motion, besides what had been urged by Sir Richard Sutton, and that ground seemed to be abandoned, as indeed it ought to be.

Mr.

Mr. *Whitbread* said he acquitted the noble lord, and the honourable gentleman near him, of any the least impropriety in their conduct respecting the loan; but said some regulation was necessary, stating a case of a friend of his, who had been a subscriber for years, and a considerable loser four years ago, who was passed unnoticed this year, though he had applied early. He informed the House, that the present loan was the proposal of Mr. Ewer, deputy governor of the Bank. He said that his opinion had been asked four years ago, whether the citizens would make good their bargain, as the omnium had fallen two or three per cent. below par? that his answer had been, "Don't be afraid; the citizens of London are men of good faith; they will not break their word, if the loan should sink even ten per cent." The event, he said, proved his opinion of his fellow-citizens to be a just one, for every shilling of the deposits was regularly paid. Mr. *Whitbread.*

Mr. *Ewer* said, as the honourable gentleman had so particularly alluded to him, he would trouble the House with a few words; but he felt himself in great difficulty how to explain the matter alluded to. He declared, that at the time of the meeting with Lord North, to settle the terms of the loan, he verily believed no gentleman present had an idea that the loan would bear any such premium as was at present the market price; he was sure, if they had, they would gladly have made a lower bargain; but that when he proposed the present terms, the noble lord well knew they were by much the best for the public that had been offered, and that most of the persons present thought them too disadvantageous on their parts. Indeed, when a loan of 12,000,000l. was to go to encrease the funds in the full sum of 21,000,000l. it was hardly to be expected but they should sink immediately. With regard to the list, he observed, that it took longer time to make out than former lists, on account of the greater number of subscribers; last year the number was six hundred only, and this year it was fifteen hundred. The list, however, was, he declared, sent to the Bank on Friday evening. Mr. *Ewer.*

Mr. *Sheridan* said, that an expression had dropped from the noble lord, which, to his surprise, had not been taken up by any gentleman. The noble lord had said, "he believed it would be found that he had made more enemies than friends by the list he had sent to the Bank;" as it served to make him believe that the noble lord was coming over to the opinion Mr. *Sheridan.*

nion of an honourable friend of his, who had brought in a bill lately to regulate the civil establishment, and had contended that taking away from the minister the power of bestowing great pecuniary emoluments by loans, &c. and of appointing to places, would strengthen the true and proper influence of the crown, remove a very heavy clog from the heel of government, and assist the progress of its operations. By the noble lord's complaining that the present loan had made him enemies, if his lordship was sincere in his present declaration, it would not be at all surprising, if, in a few days, the noble lord should bring in a bill for abolishing all those places, lest, by keeping them up, and making enemies to government by them, he should destroy the influence of the crown!

On the division, the numbers were,

Ayes	106
Noes	17

Mr. Byng. Mr. *Byng* then moved "That there be laid before this House copies of all letters and lists received by any of the commissioners, or either of the secretaries of his Majesty's treasury, from persons applying to become subscribers to the said loan, with the answers sent thereto." It passed in the negative without a division.

March 13.

No debate.

March 14.

Mr. Crewe. Mr. *Crewe* renewed his motion of last session for leave to bring in a bill for disqualifying custom-house officers, and others therein described, from voting for members of Parliament. Leave was given for bringing in the bill.

Sir P. J. Clerke. Sir *P. J. Clerke* then moved the order of the day for the House to resolve itself into a committee on the bill for disqualifying contractors of a certain description from sitting in that House.

Lord Beauchamp. Lord *Beauchamp* observed, that the House had met in expectation of entering upon other business; that consequently if any debate should arise, the House would be disappointed. He therefore submitted it to the honourable gentleman, whether it might not be as well to postpone the bill to another day?

Sir P. J. Clerke. Sir *P. J. Clerke* said, if it was intended that his bill should meet its fate, it was very little matter how soon it received it; and if gentlemen were inclined to have more taxes laid upon them, they would put off the order for going into his bill to another

another day: he had no objection to this, but he hoped that the noble Lord would ſuffer his bill to live again. In conſequence of which the commitment of the bill was deferred till the 21ſt.

TAXES.

The order of the day was then read for going into a committee of ſupply.

Lord *North* aſſured the honourable baronet on the other ſide of the Houſe, that no gentleman in the committee could be more diſinclined to bear the burthen of new taxes than he was to impoſe them. It was a very irkſome, a very diſagreeable, and in the preſent inſtance, when ſo large a ſum was to be provided for, a ſomewhat difficult taſk. But though it was irkſome and diſagreeable, it was neceſſary, and it was his duty in that Houſe. He had, however, the leſs to ſay on that head, the money being already borrowed, or bargained for, the annual intereſt of which was the proviſion which the propoſed taxes was meant to procure. Lord *North*.

Before he proceeded to ſubmit the taxes to the conſideration of the Houſe, he begged to make an obſervation or two on ſome expreſſions which came out in the courſe of the debate the laſt time he had the honour to addreſs the committee. He was then aſked, more than once, from the oppoſite ſide of the Houſe, whether he intended to apply the annuities, which had fallen in at Chriſtmas laſt, to make a proviſion for any part of the loan of the preſent year? And it was added from the ſame quarter, "becauſe if he did, it was "thought proper to remind him, that it would be a miſap-"plication of the proper revenues deſigned to augment the "ſinking fund, and of courſe would amount to a breach of "public faith; it would be diverting the monies properly "belonging to that fund to uſes for which it was never in-"tended; it would defeat the very ends for which the fund "was firſt created and eſtabliſhed, and it would be at the "ſame time rendering the ſecurity of thoſe who had lent "their money on the credit of that fund more doubtful and "precarious."

Theſe objections deſerved an anſwer, and he would give each of them the beſt in his power.

The annuities which had fallen in amounted to 190,000l. and at the time he opened the terms of the loan to the committee, he wiſhed to feel the Houſe whether or not, as far as that annual ſum went, they would prefer it as a proviſion in part for the payment of the new annuities, or whether they would prefer new taxes to that amount.

As well as he could judge, the House seemed to prefer new taxes. If it was otherwise, he was mistaken; but as the House shewed no direct inclination to appropriate the annuities which had fallen in, he imagined he was well warranted in proposing new taxes in their place, and letting the old annuities go to augment the sinking fund.

When he said this, however, he begged leave to be understood as consulting the sense of the House, yet not altogether falling in with the ideas urged from gentlemen who declared themselves of this opinion. For although he acknowledged the propriety of doing every thing towards augmenting the produce of the sinking fund, because he foresaw that great and signal benefit might be derived from it by applying that produce to the reduction of the national debt, he was far from acquiescing in the arguments urged in order to prove that the application of the 190,000l. towards the payment of the new annuities, would amount to a breach of faith with the public creditors. He was clearly of a contrary opinion. He thought the public creditors had no demand whatever upon that sum, either direct or implied. Certain persons had lent their money upon a perpetual and a temporary annuity; the latter had fallen in, the former remained; consequently, whatever was designed for the payment of the temporary annuity reverted again to the public to make whatever use they might think proper of. The use now made of it came clearly within that description, and the sinking fund might be employed to the most beneficial purposes in lightening the public burthens. That was, however, at present, an object of mere speculation, not perhaps worthy the immediate attention of the House; but he mentioned it now, merely in the first place to shew that he did not think the public creditors had any demand upon the annuity thus fallen in, and likewise, though no operation of finance was now made upon that annuity, it was not because Parliament had no right, or could not with propriety take it and employ it to that purpose, but because it was not necessary, and that new taxes, in the present instance, were preferred to it; for still, at any future period, Parliament were competent to apply it in the case of future exigencies, if they should think proper so to do.

He said that the application was a question of prudence and discretion, not of justice or of honour. It was by his attention to that question that he had resolved not to apply the sum on the present occasion, and not because he thought that he had not a right to do so. It was different from the usual sums accruing to the sinking fund, and which the policy of Parliament

ment would preserve as the means of diminishing and finally of extinguishing the capital. But the public would always think they had a right to expect relief from new taxes, when a large sum accrued by the extinction of a debt, or the expiration of a term. On the present occasion, however, he did not resort to this sum, for at this time, though it might be consistent with faith, and with justice and right, it might not be altogether consistent with prudence and discretion.

His Lordship reminded the committee, that he had promised to submit to their consideration efficient and substantial taxes, such as had been tried and found to answer, and such, of course, as the public creditors might securely trust to; and also that they should be general taxes to be raised upon the body of the people at large, and upon the best of all funds, that of internal consumption. He meant too, that they should be so laid as to affect the luxuries, and avoid the conveniences and actual necessaries of life as much as possible. In great operations, when large sums were wanted for the exigencies of the state, partial taxes, however promising, were precarious, because, whatever the object was on which the tax was laid, it might perhaps be dispensed with, or if not, the promised produce greatly lessened, indeed beyond all expectation. In general consumption it was the very reverse, a few might retrench, but it would be ever a few. Besides, when the duty imposed was trivial, it removed all temptation, so that in considering the system of taxation, as a necessary evil, in a country like this, he should ever think that species of duties the best, which went to articles of general and internal consumption, and when they were not so heavy as to affect the commerce, nor so framed as to fall on particular descriptions of men. He should then think that the real principle and end of taxation was preserved, that of its being equal and productive.

The first tax he said he would propose, was,

"*An additional five per cent. on the duties of excise, excepting the brewery, hides, soap and candles.*"

By this he meant the nett produce, clear of all the expences of collection, and every other expence and defalcation whatever.

This was a duty which, by the experience of two years, we knew to be productive; and by the effect which that tax had had in its operation, there was the most probable and convincing proof of its propriety. It had been borne by the subject without complaint; it had not, in any one article, diminished the consumption; and it was, upon the whole, one of the

 most

most eligible, because it was one of the most even and least burthensome duties that could be laid.

In the year 1779, he proposed a similar tax, and found that it was not only productive but that it had been borne without inconvenience to any of the articles, or any of the subjects affected by it; he should compute the present at the same sum, though it might produce more; and experience had taught him that he was well warranted in doing so.

To explain what he meant it would be necessary for him to go somewhat into detail. In the tax of 1779, beer, soap, candles and hides, had been excepted out of the tax of five per cent. because those taxes would be drawn chiefly from the lower and laborious orders of the people. The last year he had proposed a tax upon the private brewery, or upon malt used in the private brewery, of 6d. per bushel, which, as far as he could learn, turned out extremely productive. He had likewise added a tax of five per cent on the produce of that tax, so that beer brewed in the private brewery had two malt taxes upon it, and the public malt tax of 1779, amounted to fifteen per cent.

When this duty was laid two years ago, the brewery had been omitted, and there were several reasons why it should still be so. The committee would reflect, that he had already stated that the several articles in the brewery had been liable to the additional duty. There had been five per cent. on the hops, five per cent on the fifteen penny malt, and five per cent on the eight shilling beer, and he knew if he put even a fraction of a farthing on strong beer, that commodity would be raised an halfpenny, so that the tax must come immediately to the lip of the consumer, and that too in no proportion to the sum that would come into the public coffers. The two taxes which he had mentioned affected (he would allow in a small degree) the common brewer, but the low price of barley enabled him to brew as good beer under the trifling encrease now, and a better than he could a few years back (three or four) before the additional duties were imposed, but supposing now that he should propose a tax only of half a crown or less a barrel, the brewer would probably raise the price to the consumer an halfpenny per pot, so that if a necessity should hereafter arise for laying an additional duty upon strong beer, the brewer would stand in the place of the state.

But that was not all, the brewer, if a small duty were imposed, would either raise the beer an halfpenny per pot, or he would effect his purpose in another, though a more indirect manner. At all events, as applying to the people, or as a mere matter of finance, he thought it much better, as he had done

in 1779, to exempt the strong beer out of the excises, to prevent either the commodity from being of a worse kind, or in case of a rise, to prevent the brewers from raising on the consumer what more properly belonged to the state; for upon computation it was found, that only one halfpenny per pot would raise a sum no less than one million *per annum* from the people.

As to the duties upon candles, soap, and leather, he omitted them likewise: when the last five per cent. was laid on, they would certainly produce a very considerable sum; but here, as in the tax upon beer, he was cautious on two accounts: he wished that the general tax should press but as little as possible, where the object to be taxed came within the description of the necessaries of life; but more particularly, when the duty imposed, be it ever so trifling, would be raised in a three or four-fold degree upon the consumer.

These were articles so necessary to manufacture, and which came immediately upon the poor; the additional duty on these articles would produce a very small sum to the exchequer, but a duty would give a pretence for raising the price of the commodities to the purchaser. It had therefore been the policy of Parliament, ever since the reign of King William, to except these articles from additional duties. The whole duty on these articles would amount to no more than 32,000l. and for this sum the public would be taxed, no doubt, to a very considerable amount.

Upon those general ideas, as well as the particular reasons which he had mentioned, he meant, with the consent of the committee, to exempt beer, soap, leather, and candles, from the imposition of five per cent. meant to be laid upon all other exciseable commodities; and as this tax had been already tried, and was found to be fully equal to the sums with which it had been charged the last year, he would in full confidence take it for the sum of one hundred and fifty thousand pounds.

For the old five per cent. on all the duties of excise, excepting the articles which he had named, produced — —	£. 185,000
The five per cents that were laid on last year amounted to — —	40,000
	225,000
From which there were to deduct the five per cents laid on fifteen penny malt, and which came to	75,000
	£. 150,000

So

So that the new additional duty of five per cent. would evidently and certainly produce 150,000l. towards the sum that was wanted.

The next object of taxation was the customs, which he meant likewise to compute at the net produce. When the five per cent was imposed, he took the gross receipt, which amounted to about two and a half per cent. on the net receipt. Upon this point, though he did not find himself embarrassed, he was afraid he should not be able to make himself so perfectly understood as he could wish, because the computations he should necessarily be obliged to make, would appear rather complex and intricate to the committee.

The net produce of the customs, after all deductions, drawbacks, &c. amounted to 2,391,665l. He said that a reformation was considered as necessary in the mode of collection of the custom-house revenue. In its present form it was loaded with many difficulties and embarrassments, and gave so much trouble both to the collectors, and to the merchants, that it had long been considered as a very necessary subject of reformation. These difficulties arose from the variety of duties, subsidies, and imposts that had been laid from time to time, the many distinct heads on which every duty was to be collected, and also on account of the discounts which were allowed under various acts, and under various heads. So complex a system was it as to be liable to innumerable errors; indeed it was so much so, that the merchant, who was to pay the duties, hardly knew what he had a right to pay, or those who were to collect the duty what to charge. It was such a complicated piece of machinery, that almost every thing concerning it was transacted in the dark. If it was so under the eye of the board, it was still worse in the outport, where every thing led to confusion. A small error begat an hundred more, and there was more time lost in correcting the errors of others, than in transacting the real business. There were so many drawbacks, bounties, discounts, &c. that no one man could fairly say he was a master of the subject; several attempts had been made to simplify this complex business, but in vain; much still depended upon chance, and great exertions of abilities and industry were called for, but they scarcely ever proved successful. Many ingenious men had turned their thoughts to it, and the difficulties of the collector were considerably removed by the books of rates that had been published; yet they could not be depended upon in all cases, though they certainly were of

of use in proving the truth of the work. Several plans had been thought of, to remove the inconveniencies in this respect. One was by consolidating the customs, and reducing the several duties into one. Another mode that was thought of was, by simplifying the duties, and abolishing the discounts, which were the chief causes of the difficulties and errors. Such a plan he trusted would be thought of, and presented to Parliament for their approbation. In the mean time he proposed, instead of laying an additional duty of five per cent. on the customs, to propose, as one of the duties for producing the annuity wanted,

To strike off and abolish the discounts in the customs; this he calculated to be equal to a duty of seven per cent.

In the customs the discounts formed a very material object, this was what principally he meant to make his operation upon.

This operation of finance, while its professed object was the raising a certain sum of money for the use of the state, would, he trusted, as a beginning, assist in simplifying an abstruse study. It was a beginning, and he hoped, would prove an useful one; at all events it would tend to remove some of the obstacles, and, he made no doubt, would, in the end, lead to something more clear and specific.

As he observed before, there was this duty paid—that sum drawn back—this security given—that tax modified or increased: this created fractions without number; there were five eighths of four fifths, and so on *ad infinitum*. These were again split, compounded, and decompounded, till the mind was bewildered—till it was almost impossible to know what to charge on one hand, or what to deduct out of that charge on the other. If any thing could add to this perplexity, it was the nature of the several duties, and the conditions on which they were imposed.

There were the old and new subsidy; the discounts; there was the impost of 1690, in King William's time; there were the duties of 1728, 1746, and 1759. There was, again, the application of those several duties to the different commodities which were the object of them: in short, he wanted words to convey the distraction and confusion such a variety of objects occasioned. The discounts upon 2,391,065l. he calculated to produce 167,416l. which he said would amount to about seven per cent. upon an average, of all the duties; and he was inclined to take this method in preference to any other, because, whenever the plan was adopted for

simplifying

ſimplifying thoſe duties, and introducing a new ſyſtem in the collection, this muſt be one of the branches of reform. Though the diſcounts would amount to ſeven per cent. upon the whole, yet the commodities in general would undergo an addition of much leſs than that ſum. It would not be neceſſary for him to ſtate the whole of the articles of cuſtom-houſe duties, in order to convince the Houſe, that this reduction of diſcounts would produce the ſum of 167,000l. But he would ſtate four articles which would give them a full idea of the whole, tobacco, ſugar, wine and tea, were the commodities on which diſcounts were principally allowed.

The diſcount upon ſugar was two and a half. The diſcount upon teas was two and a half. Upon wines it was 4l. 16s. per ton, which was about eleven per cent. and the diſcount upon tobacco was ſeventeen per cent. when bonded, and twenty per cent. prompt payment. The average quantity of wine conſumed in this kingdom in the year, was 15,000 tons, the diſcount on which would produce 72,000l. The quantity of tobacco conſumed was 8,500,000lb. the diſcount on which would produce 49,283l. The quantity of tea was 5,000,000; but here the diſcount, as an object to tax it on, was very trifling, on account of the other allowances made to the Eaſt-India Company, which it was not his wiſh to diſcontinue.

The quantity of ſugar conſumed was 1,400,000 cwt. and the diſcount on that, he ſaid, was 13,1 5l. Upon the whole, therefore, he ſtated, that the diſcounts on the cuſtom-houſe duties would bring in the ſum of

	£. 174,991	0	0
Which was a ſum of -	7,575	0	0
Above the ſum of -	167,416	0	0

which was what he had taken them at in his calculation towards the annuity. He ſaid that the merchants would not perhaps wiſh to purchaſe an exemption from the embarraſſments of the diſcounts at ſo dear a rate as ſeven per cent. but when it was debated between a new duty upon all the articles of the cuſtoms, and the abolition of the preſent diſcounts, they would moſt chearfully acquieſce.

There were ſpecific taxes, as to the articles he had particularly pointed out, and general ones upon ſuch as he had omitted to ſpecify. Among thoſe articles which would feel the ſeven per cent. but ſtill would bear more, was tobacco.

The quantity of tobacco for the home conſumption was, as he had obſerved before, eight million five hundred thouſand pounds.—The duty impoſed by taking away the diſcount, would

would amount to one penny and four-tenths of a penny. Tobacco, before the breaking out of the late war, was from ten-pence halfpenny to a ſhilling, he would ſuppoſe a ſhilling; what with the troubles in America, the high premium, inſurance, and the general riſk conſequent on a ſtate of war, tobacco roſe to three ſhillings per pound, and after ſeveral variations, the price was fixed at twenty-pence; a paper on the table would ſhew, that notwithſtanding this extraordinary riſe, the conſumption had not decreaſed.

As to the diſcount on wines, we ought to conſider that when the duty of 4l. per tun, or a penny per quart, was laid on wines two years ago, the trader laid ſixpence upon the conſumer. This was a very exorbitant increaſe, and one penny more was laid on the bottle. It was now thought that a penny more might be laid, without giving the tavern-keepers any pretenſions to make another advance. It was making an equal partition of the ſixpence which had been laid upon the ſubject between the exchequer on the one part, and between the importer and the tavern-keeper on the other. This he conſidered as a duty, therefore, that would not come with any additional weight on the ſubject. There were two circumſtances to be obſerved in theſe diſcounts, with reſpect to the Eaſt India Company; they had two diſcounts that were peculiar to themſelves: one was on account of the expence of the long voyage, and the other on account of prompt payment. It was not his intention to aboliſh their diſcounts, but a proviſion as neceſſary and juſt, that the diſcount for prompt payment ſhould take place only when the payment was prompt. It ſo happened, that through a cuſtom very injurious to the revenue, and which certainly was contrary to the idea of the Houſe when they admitted that diſcount, they did not make their payment till nine months after the concluſion of their ſale. Inſtead of this, he wiſhed to allow the prompt payment diſcount, under a proviſion of their paying the duties three months after the concluſion of their ſale. This he believed the company would not conſider as a hard or improper regulation. There was alſo a regulation which he wiſhed to eſtabliſh on the article of tobacco. The diſcount now was ſeventeen per cent. on tobacco when it was bonded, and twenty when prompt payment. There were three modes of ſettling the duty. The firſt was paying the money down, but this was very little practiſed. The ſecond was of entering into a bond for fifteen months, and placing the tobacco in a warehouſe for exportation, the key of which was kept by the officer; and if any was taken out for home con-

conſumption, then the duty was paid upon it. The third was to enter into triple bonds to pay the duty in eighteen months, and to take the tobacco home. This was a method injurious to the revenue, and had, in the caſe of a Mr. Brown, coſt the revenue upwards of 24,000l. He therefore wiſhed to eſtabliſh the bond for fifteen months, and placing the commodity under the key of the cuſtom-houſe, as the only method of collecting the duty. It would be the ſureſt for the revenue as well as the beſt. From what he had thus ſtated, he preſumed his next object would be found an eligible ſubject of taxation, it was, *An additional duty of one penny three farthings upon the pound of tobacco.*

If he knew what luxury was, tobacco came within that deſcription; it could not be conſidered at all as a neceſſary of life; and if a luxury, it was one of a very particular nature, it was uſed chiefly by the common people.

The reaſon why he had laid juſt the ſum of one penny three farthings per pound, was, that the old duties amounted to eight pence three farthings, and with this addition the whole duty would now amount to ten pence halfpenny. By this means the additional duty laid this year, by ſtriking off the diſcount, and by laying on the above ſum, would amount to three pence farthing, or hardly ſo much, ſomething more than three pence, and leſs than three pence farthing. The diſcount taken off was $1\frac{8}{20}$d. A farthing was only $\frac{5}{20}$, ſo that the whole of the new duty was ſomewhat leſs than three pence farthing. It would produce the ſum of 61,875l. The circumſtances that he had ſtated of the great increaſe in the price that had been ſuffered without any decreaſe of the conſumption, would be the beſt recommendation of the tax propoſed.

He now came to a duty which he ſaid he was exceedingly loth to propoſe; it was by far the moſt ineligible, becauſe it would be the moſt burthenſome of any of them; but it was a tax which had been often in contemplation, and whenever a very large ſum was wanted, was looked up to as the ſureſt means of procuring it: *A duty of four ſhillings and eight pence* [illegible] *one halfpenny per pound on ſugar.*

The quantity of ſugar conſumed in this country, upon an average of ten years, was 1,464,549 cwt. To be ſure the quantity on the average of the laſt five years was rather leſs than that; but this declenſion was owing ſolely to the loſs of the iſlands Grenada, St. Vincent's, and Dominica; and it would be eaſily ſeen, on a comparative ſtate of the conſump-

I tion,

tion, before we possessed those islands, and since we possessed them, that the consumption has considerably increased.—In the period between 1745 and 1750,

The quantity consumed in this country, upon an average, was — —	Cwt. 838,619
From 1750 to 1755, — —	960,328
In the period, from 1770 to 1775, —	1,767,161
From 1775 to 1780, — . —	1,434,112

By this it would be perceived, that the consumption was very much upon the increase, and that too, although the commodity had very much advanced in price; it had borne a gradual rise since the year 1728, in which it was 2l. 4s. 10d. per cent. In the year 1747, a duty of 1s. 6d. was laid upon it; and in the year 1750, it was 2l. 7s. per cent. and it went on gradually rising and falling till the troubles commenced, and the loss of our islands made it rise to fifty-six shillings. In all this time there was a clear and positive increase of consumption, which only had been stopped by the loss of our islands; he therefore considered it as an eligible subject for a tax, since it had been clearly proved, that the public could bear the duty, as they had suffered a higher price than what would be laid upon them now by the increase of the duty. He was satisfied that this tax would not at all affect the planter, if it did, he should consider it as a good reason against it, especially after the late melancholy event in the West-Indies.

He said, that by the late concessions in favour of Ireland, it would be necessary that an equal duty should be laid upon the article there, for that was the provision of their new trade.

This duty would produce the sum of 326,000l.

So that the sums to be raised were an additional five per cent. on the duties of excise, excepting the brewery, soap, hides, and candles —	£. 150,000
The abolition of all the discounts on the customs	167,000.
A duty of one penny three farthings per lb. on tobacco ——— ———	61,000
A duty of four shillings and eight-pence on the cwt. or one halfpenny on the lb. of sugar —	326,000
	704,000
The annuity to be raised was ———	660,000
So that there was a surplus of ———	£. 44,000

To make up for any deficiencies that there might be in any of the

the sums which he had taken them at. The noble lord said, that he should be under the necessity, on account of the manner in which the loan had been raised, to come to the sinking fund, and as there would be a deficiency for the first quarter, on account of the funds taking place before the taxes, to apply the 190,000l. accruing to that fund, towards that deficiency. This was only a matter of form, and would prevent his application to the House next year for a sum to defray the deficiencies that must arise for the first quarter. The noble lord now concluded with saying, that he was very much fatigued with having gone so largely into the business, and with moving the first resolution:

"That towards the supply granted to his Majesty, the sum of five per cent. additional duty be granted on all the duties of excise, excepting the brewery, soap, hides, and candles, in that part of Great-Britain called England, &c."

Sir Charles Bunbury. Sir *Charles Bunbury* said, that he thought it much more adviseable to lay three farthings upon the sugar in place of the duties of excise, because it was pretty certain that the duty of a halfpenny would induce the trader to make the consumer pay an advance of a penny, and a duty of three farthings would not tempt him to lay more.

Col. Barré Colonel *Barré* rose, not so much to make observations on the proposed ways and means, as to give his opinion on the loan itself, not having an opportunity on the day the budget was opened. The burthens the nation already laboured under, required the strictest œconomy, and ought to be the first object of the minister; instead of which the bargains lately made appeared to him to be enormous, and might have been done on lower terms. He contrasted the conduct of the noble lord with that of Mr. Neckar, the minister of France, whose plan of œconomy was worthy imitation. That minister had lopt off a great number of unnecessary places; and he had made a declaration (which was in print, and would soon be known to all the world) that if he should be found to dispose of any pensions, or other favors of his master in a partial manner, he should think himself undeserving of the place he held. This measure he recommended to the noble lord to follow, for he was certain many people were employed in public offices who had very large salaries and very little labour, as appeared from the reports which had been delivered in by the commissioners of accounts; for they had said that some attended three days, some two, and others only one day in a week. These commissioners had done some good, and

and might probably do more; but though he doubted not but that they were all men of character and of knowledge, yet by the act they were so crippled that they could not probe so minutely into some matters as might be wished. He owned himself exceedingly hurt, however, that they were not chosen out of that House, as surely members who had given their attendance there must be supposed to be more competent to a task of that nature, than those out of it. And at the same time it was inconsistent with the duty which they owed to their constituents to make choice of men out of that House to correct and to examine the public revenue.

One of those gentlemen, on whom he passed great encomiums as a man and an officer, he humbly conceived, would have been more properly employed in the service of his country. He wondered the noble lord had not taken notice of the news of the day;* that news was undoubtedly of a very flattering nature, but it might be followed with what might disgrace the nation, an ignominious peace. He hoped, whenever the time came for terms being offered, if we should be so happy as to have an offer, that no terms would be accepted without laying them before that House, and have their concurrence after full investigation. This he deemed the most constitutional way of settling grievances with foreign powers.

Mr. *Harrison* commented on the deplorable situation of the nation, which was in a great degree owing to the American war, a war which had been unwisely (to say the best of it) entered into, for he thought *that* the cause of the other powers uniting against us. Mr. *Harrison*.

Mr. *Duncombe* expressed his disapprobation of the measures pursued by the present men in power; his constituents did not approve of them, he did not approve, and should consequently oppose them. Mr. *Duncombe*.

Mr. *Roberts* said, that on every occasion gentlemen run wide of the matter before them, as if there was not field enough for them without going to America, that they might thereby have an opportunity to abuse the ministers; in his opinion, the war with America was a just one, and that if any dissatisfaction appeared in the people, it was not from what the minister had done, but from factious notions being instilled by those who called themselves republicans. Some of that complexion were now no more, but they had left those behind them who were determined to follow their steps, infuse false notions into the people, abuse ministers, right or wrong, Mr. *Roberts*.

* The capture of St. Eustatia.

wrong, and that only because they would be popular, by destroying unanimity in that House.

Mr. Sawbridge. Mr. *Sawbridge* knew not what the honourable gentleman's idea of a republican might be, but if he could form any opinion of it, he not only acknowledged his being one, but gloried in it. Our constitution was happily so framed as to have a delegated king (or call him by any other name, he cared not what) who could not (and he was confident would not if he could) act in an arbitrary manner; he had as he ought, the happiness of his subjects principally at heart, and would not take any step without the concurrence of the other branches of the legislature. In regard to the loan, he was convinced the money might have been procured at a more reasonable rate; but the noble lord did not stay for any proposition from the lenders, but went into the room where they were, told them what money he wanted, and what terms he meant to give, which he said he would bring evidence to prove was one and a half in value of long annuities more than has appeared in the public prints. [Here a cry of No, no; but Mr. Sawbridge insisted it was so, from the information he had.] Perhaps at some future period it might happen (the age was too virtuous for it to happen in these days) that a member of Parliament might go with the first lord of the treasury behind the speaker's chair, and promise to support him on all occasions, if he would let him subscribe 10,000l. to the loan; if this was agreed to, which it probably would, the minister would secure a vote, the member gain 1000l. "and conscience "then avaunt." For his part he should never partake of the benefits arising from a loan, nor should he vote for a single shilling till the grievances of the people were redressed; it was the express instructions of his constituents; that he esteemed as their command; and by that he would be guided.

Lord North. Lord *North* flatly denied what had been alledged by the honourable gentleman, as to the long annuities: he was well assured, if he would produce the evidence he spoke of to the bar, he should be able to convince him that his informant was mistaken. Other proposals were made, it is true, but not of the nature stated by the last speaker.

Mr. Sawbridge. Mr. *Sawbridge* answered, he was not present at that meeting, but received his information from one that was; if therefore it was a mistake, it could not tend to impeach his veracity, as he did not pretend to speak from his own knowledge. However, the noble lord had owned, that he had made proposals to the lenders, which he thought an imprudent step; because, when men come to lend their money,

they

they ought to make their propofals, which would have given the noble lord an opportunity of knowing, whether what he had formed in his own mind, or that given in by them, was moft advantageous.

General *Smith* objected to that part which compelled the East-India company to pay the duty on their fales in three months after the fale; the fum was very confiderable, and the Company might probably be under great difficulties to raife it in that time; and furely the intereft of the money for fix months was not a confideration for Parliament to compel them to pay it in a lefs time than has been the ufual cuftom. Gen. *Smith*

Sir *Harry Houghton* expreffed his furprize that an honourable gentleman who had fpoke lately [Mr. Sawbridge] fhould talk of the *commands* of his conftituents; if he was implicitly to follow the inclinations of thofe who fent him thither, he could not be faid to be a free man; he was fettered, and could not come under the defcription of giving his countenance to any meafure with that freedom which it behoved every member of that Houfe to do. He called it an abject ftate for any gentleman, and fuch a one as no member of that Houfe ought to accede to. Sir *Harry Houghton*

Mr. *Sawbridge* faid, that he came there to do the bufinefs of his conftituents, not his own; he fcorned the idea of being in an abject fituation. He received no favors from minifters; and he believed his conduct in Parliament would be found as fteady, uninterefted, and unimpeached as any in the Houfe. Mr. *Sawbridge.*

Sir *Harry Houghton* replied, that the honourable gentleman ought not to blame him for making ufe of the words *command*, &c. they were his own words, therefore there could be no impropriety in repeating them. For his own part, he fhould always give his vote according to his real fentiments, not without confulting the opinion of his conftituents, having an eye to what would tend, in his opinion, to the advantage of the whole body of electors in the kingdom Sir *Harry Houghton.*

Mr. *Burke* faid, that he could not forbear rifing to fupport his honourable friend [Mr. Sawbridge] whom he knew to be as firm and uninfluenced a member as any within thofe walls. It was no wonder he fhould follow the inftructions of his electors, when it was known to every gentleman who had heard him fpeak in that Houfe, that he at all times avowed himfelf a warm advocate for the rights and privileges of the people. Mr. *Burke*

Different

Different men felt differently on this subject, and though he differed very essentially from gentlemen upon it, he could not censure any person for concurring with the sentiments of their constituents. Having got on his legs for the purpose of vindicating his friend, he could not sit down without doing justice to the noble lord in the blue ribbon, for having laid the taxes on such articles as would prove the least burthensome of any which in his opinion could have been proposed.

The question was now put, and the several resolutions read and agreed to.

March 15.

The following paper was laid before the House:

BANK *of* ENGLAND, *March* 14, 1781.

A LIST of PERSONS who subscribed to the LOAN of 12,000,000, made in this SESSION of PARLIAMENT, specifying the Sum subscribed for by each Person.

William Ellis Agar	8000
Christ. Atkinson	10000
Messrs. Adams	20000
Sir Charles Asgill and Co.	15000
Anderson and Davidson	2000
Anderson and Richardson	2000
Amyand, Osborne, and Co.	10000
John I. André	2000
Nicholas Ashton	4000
Agassiz and Rougemont	2000
Thomas Allan	12000
David André	5000
William Adams	5000
Paul Amsinck	5000
Peter Alevoine	5000
E. Armstrong	1000
R. Arbuthnot	1000
Henry Arnold	10000
William Al'ere	2000
Henry Amsinck	1000
Agace and Wallace	1000
J. J. Appach	1000
P. T. Adams	1000
William Aldersey	1000
Rev. James Adams	500
Doctor Jos. Allen	500
John Allen	7000
Joseph Alder	500
Alexander Anderson	1000
John Antrobus	1000
John Author	1000
J. Austin	1000
Francis Allen	5000
John Allen	3000
J. Jul. Angerstein	3000
Adam and Bullock	3000
Michael Adolphus	500
John Adair	500
Sir Joseph Andrews	500
Roger Altham	500
William Thornton Astell	2000
William Andrews	1000
Thomas Achmuty	2000
Thomas Ayliffe	6000
Governor and Directors of the Bank	400000
Biddulph and Cocks	60000
John Bridges	2000
Charles Brietzecke	3000
Boulton and Forthergill	2000
John Baker	1000
Daniel Booth	30000
Bewike and Morgue	5900
Anthony Bacon	10000

Mr.

Mr. Boſtock -	1000
D. B[illegible]thwaite -	3000
Briſtol Bank -	25000
Thomas Brookſbank	20000
H. Boldero and Co.	60000
Ynyr Burgeſs -	5000
Matthew Brickdale	10000
Thomas Burfoot	8000
E. G. Boldero -	20000
John Boddington	10000
Brown and Collinſon	60000
George Bryan. -	2000
Bullit, Bentham, and Co.	5000
Charles Bembridge	3000
Henry Biggs -	1000
John Boldero and Co.	60000
James and Jonathan Backhouſe	5000
Sir Charles Blunt	1000
John and Francis Baring	66000
Lyde Brown -	4000
Robert Bogle -	4000
Patrick Brydone	5000
James Brooke -	1000
Matthew Brittingham	[illegible]000
Thomas Buckley and ſon	[illegible]
John Brickley, jun.	[illegible]
W. B. Berwick -	[illegible]
Alexander B[illegible]	[illegible]
Col. S. Blackwell	[illegible]
Sir George Baker	[illegible]
R. P. B[illegible]ncroft	[illegible]
Bright, Bally and Co.	[illegible]
Mr. P[illegible]thurſt -	4000
Thomas Brinſtead	3000
Jacob Bosanquet	15000
Dr. James Berkenhout	1000
Barclay, Bevan, and Co	60000
George Blount -	3000
Thomas Barton -	1000
Baker, Wood, and Co.	2000
John Bond -	[illegible]
John Bernard -	[illegible]
William Byrnes -	3000
James Baird -	1000
Eliza Bradſhaw -	[illegible]
Edmund Boehm	15000
James Bradley	2000
Francis Baring	[illegible]
Char. Broughton -	3000
William Burrell -	5000
Pierce Bryan -	5000
Thomas Browne	2000
William Bytheſea	1000
Henry Buck -	500
Richard Brunton -	500
Thomas Bland -	5000
Edward Bull -	500
John Bannin -	500
Charles Pym Burt	1000
Pynson Bonham	500
Gerard Backus -	1000
Samuel Bonham -	1000
John Brown -	2000
Richard Brounſworth	500
Thomas Burke -	4000
Richard Baker	2000
George Baker -	2000
John Barnard -	1000
Richard Bowen -	2000
Brown Bates -	500
J. Ralph Buttler -	1000
John Bilſiner -	500
Henry Burmeſter	[illegible]000
Henry Baldwin -	1000
John Barrow -	25000
Thomas Burne -	3000
William Blake	2000
I[illegible] Buxton and Co.	4000
John Baker —	1000
John Buron —	500
Beach and Plumer	1000
Charles B[illegible]ſt —	500
J. and T. Burtal	1000
George Brown	1000
John Beckett —	500
James B[illegible] —	[illegible]
John B[illegible] —	[illegible]
Joseph Beardmore	[illegible]
John B[illegible]n —	2000
William Bunard	[illegible]
Thomas Burchett	[illegible]
Peter Brown —	[illegible]
John B[illegible] —	[illegible]
[illegible] B[illegible]n	1000
Daniel Bell —	[illegible]
[illegible] Bridges	2000
J[illegible] Bureau	[illegible]

John Bricknell	30000
Edward Blackeny	2000
Charles Boone	13000
Edward Boodle	3000
James Brown	33000
George Butler	13000
Thomas Buckley	35000
Anna Blackburn	2000
Stamp Brooksbank	5000
John Bell	10000
Richard Buller	1 000
J. Boaz	10000
John Bush	2000
Benjamin Brummel	5000
William Baker	1000
John Baker	2000
Thomas Boone	5000
Mrs. Barwelle	5000
Batson and Co.	60000
William Bar	5000
William Bryer	1000
John Blackburn	10000
Bishopp and Co.	20000
James Bowles	3000
Gregory Bateman	5000
Henry Barwell	5000
James Barwell	5000
Richard Barwell	15000
J. Boldero, jun.	10000
Thomas Bishopp	2000
Burton, Forbes, & Gregory	35000
Brickdale and Co.	10000
William Beverley	8000
Gibbs Crawfurd	3000
Messrs. Crofts and Co.	210000
James Crawford	20000
P. G. Crawfurd	1000
W. Cunningham	5000
Clarke and Milligan	3000
J. H. and P. Cazenove and Co.	10000
Laurence Cox	10000
John Cooper	15000
Cox, Mair, and Cox	10000
Chambers, Perry, and Co.	8000
Castells and Wheatley	100000
Coutts and Co.	140000
John Cator	10000
Dr. W. Crompton	1000

Currie, Lefevre and Co.	20000
Cazalet and Cooke	2000
Matthew Chalie	1000
John Chalie	1000
Matthew Carrett	15000
Peter Cazalett	10000
John Courtoy	5000
Thomas Cheap	25000
Thomas Colborne	1000
L. Conyngham	10000
Benjamin Collins	4000
Richard Clay	2000
John Crosier	1000
James Crane	2000
Richard Chapman	2000
J. Courtenay	10000
Josiah Corthine	3000
John Charlton	2000
Edgar Corrie	2000
T. Chamberlaine	3000
W. Chamberlayne	5000
J. Collin and Son	1 000
General Carpenter	5000
William Colborne	1000
G. Chamberlayne	1000
Emer. Cornwall	20000
T. Collingwood	1000
James Chapman	1000
John Cleverly	10000
Dr. W. Cadogan	1000
Peregrine Cust	70000
George Crauford	18000
Richard Carter	10000
John Crauford	10000
George Cherry	5000
Felix Calvert	5000
T. Chalmers	1000
William Collier	500
P. and T. Cruze	1000
Richard Curson	500
Joseph Coltman	1000
A. Cheatham	500
Benjamin Cole	1000
Francis Chalie	1000
John Campbell	500
John Coope	1000
Capel Cure	2000
Maurice Carr	1000
Peter Cherry	4000

William

William Craufurd	1000
William Campbell	1000
Thomas Cadell	500
Ad. John Campbell	500
George Charles	500
John Clarke	6000
William Cobb	1000
Peter Caſtellirane	500
Alexander Cobham	1000
Thomas Cracroft	1000
George Chapman	500
John Cottin	5000
John Crannie	500
H. Chandler	1000
Thomas Cole	500
Thomas Collingwood	3000
James Chriſtie	2000
Harry Clarke	500
Thomas Compton	1000
William Compton	500
Stratford Canning	3000
William Clarke	1000
Gen. J. Cailland	3000
Henry Cameron	15000
John Campbell	13000
Thomas Carter	6000
John Cockell	30000
How. Craig	3000
William Craggs	25000
Giles Collins	2000
Hugh Dive	2000
George Dewar	1000
Moſes de Paiba	2000
William Deniſon	5000
Richard Davenport	3000
Alexander Duncan	5000
John Darby	5000
Robert Dent	500000
Charles Wentworth Dilkie	3000
Cornelius Denne	20000
Henry and Duncan Davidſon	15000
Joſeph Deniſon	60000
John Dickſon	3000
John Devaynes	5000
William Duncan	10000
Benjamin D'Aguilar	2000
David and Han. D'Aguilar	4000
Ad. Drummond	10000

Alexander Douglas	2000
H. P. Davies	6000
Lord Denbigh	10000
Davies, Strachan, and Co.	6000
William Davidſon	5000
Davies and Prothero	2000
John Dorrien	100000
John Dawes	10000
Dimdale and Clay	5000
Sir J. Dantze, Bart.	50000
Charles Dalbiac	3000
John Duval & Sons, & Co.	8000
De Druſina and Richter	10000
James Dalbiac, jun.	2000
James Dalbiac	2000
Sir Edward Dering	10000
Francis Daniel	5000
Edward & Robert Darell	10000
Baron Dimſdale	10000
John Durand	10000
Daniel de St. Leu	1000
Joſeph Delafield	500
John Duffin	500
S. De Medina	1000
Joſeph Mendes da Coſta	1000
James Dubeſley	4000
James Dunlop	4000
Philip Denoyer	500
Charles Dumbleton	2000
Richard Devins	500
William Dearſley, jun.	1000
Robert and Richard Dixon	500
John Roſs Drewe	500
Abraham Mocatta de Matto.	7000
Joſeph de Pinto	3000
Robert Down	2000
Sir John Dick, Bart.	6000
John Dingwall	3000
Robert Drummond & Co	84000
John Dunlop	0000
William Devaynes	500
William Ewer	18000
Sir Arch. Edmonſtone, Bart.	10000
Iſaac Elton	8000
Sir James Eſdaile & Co.	10000
Thomas Eden and Co.	7000
Grey Elliot	2000
Sir Henry Etherington	10000

Samuel Enderby	1000
John Elderton	1000
William Elliott	6000
Gavin Elliott	1000
Sir John Elliot	8000
Francis Eyre	1000
Thomas Ewer	12000
Arthur [illegible]	10000
Directors of the East India Company	320000
William Edwards	3000
Thomas Ell [illegible]	3000
George [illegible]	1000
Thomas Lane	1000
William Elliot	500
John Egerton	500
Leonard Ellington	[illegible]
Walter Ewer	5 [illegible]
Thomas Everett	4000
John Edwards	[illegible]
Wm. Edwards, jun. Esq	4000
Richard Edwards	5000
Fountain Elwin	[illegible]
George Field	[illegible]
George Field jun.	[illegible]
Cuthbert Fisher,	[illegible]
Raphael Franco	[illegible]
Thomas Fitzherbert	[illegible]
Stephen and Pote Fuller	[illegible]
J. Boyl French	[illegible]
Peter Flelot	[illegible]
J. M[illegible]	[illegible]
William Field	[illegible]
Richard Fisher	6000
[illegible]	1000
Simon F[illegible]	10000
Thomas Fenn	[illegible]
Richard Forman	1000
[illegible]	[illegible]
[illegible]	[illegible]
Sir C[illegible] Frederick	[illegible]
Henry Fowler	[illegible]
William F[illegible] and Son	4000
William F[illegible], jun.	[illegible]
Nathaniel P[illegible] Smith	[illegible]
Thomas [illegible]	3000
Oliver F[illegible]	5000
[illegible]	10000
[illegible]	5000
Honourable [illegible] Fane	[illegible]
James Fitter	3000
Simon Fraser	10000
Thomas Fullwood	8000
John Fraser	2000
John Finch	500
George Field, jun.	4000
Keene Fitzgerald	500
Emanuel Fernandes	1000
John Field	1000
John Fryer	1000
Sir J. Frederick	6000
Nathaniel French	3000
Michael [illegible], for A. Moritt	6000
George Hulsen	12000
Samuel Gill	[illegible]
[illegible]	[illegible]
Richard G[illegible]	[illegible]
[illegible]	[illegible]
George [illegible]	[illegible]
Jonathan Green	[illegible]
[illegible], & Co.	[illegible]
[illegible] jun.	[illegible]
Edward [illegible]	[illegible]
[illegible] Goff	[illegible]
Alexander Gray,	2000
Walter Gill	[illegible]
[illegible]	[illegible]
[illegible] Gosling	[illegible]
Thomas Gibell	[illegible]
Rev. [illegible]	[illegible]
James George	[illegible]
[illegible]	[illegible]
Sir Charles [illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	[illegible]
[illegible]	2000
Dr. William Grant	[illegible]
[illegible]	[illegible]
[illegible] Gilliflen	[illegible]
George [illegible]	10000
Paul Greathed	[illegible]
William Green	[illegible]
William Gardner	[illegible]
John Gurney	8000
Bartlet [illegible]	[illegible]
John Gaver	5000

Greathed

Greathed and Kinder	4000	Hodfall and Mitchell	3000
Edward Gillyat	2000	John Hilderfden	2000
Dr. William Garrow	1000	J. Heming	3000
William Grey	1000	Thomas Hey	6000
Thomas Greenough	1000	Thomas Hallifax	3000
Greens and [illegible]	1000	George Herbert	2000
John Garford	2000	Thomas Hudfon	1000
Gibfon and Johnfon	3000	Walter Horten	2000
John [illegible] Gandolfi	1000	Benjamin Hallowell	1000
Thomas Gibfon	500	Thomas Harris	5000
Andrew Gray	1000	George Hutchinfon	2000
Law. Gibfon	1000	John Hankey	4000
William Green	1000	Stephen Hough	10000
John Greenfide	2000	John Halliday	10000
J. [illegible]	1000	Thomas Hake	5000
William Gray	1000	Michael Herries	5000
Thomas Gibfon	3000	John Hunter	40000
Jofeph [illegible]	4000	[illegible], Light, and Co.	8000
William [illegible]	1000	Peter Hammond	2000
David [illegible]	2000	Thomas Holroyd	500
William Gwillam	1000	William Henderfon	500
Gray and Freeman	1000	James Hefeltine	1000
John [illegible]	500	William Hodgfon	1000
Edward Golding	1000	William Hill	500
John Godfrey	1000	Nathaniel Hodges	2000
Thomas [illegible]	2000	M. m. Horton	1000
Richard [illegible]	5000	Arthur Hammond	1000
John Bernard Gilpin	25000	M Cope Hopton	500
Alexander Gordon	15000	Alexander Hunter	1000
Robert Grant	6000	Mofes Hadfield	1000
Robert Hunter	3000	William Harrifon	2000
Jonah Holland	5000	Samuel Harrifon	2000
John Hyndman	2000	Stephen Hall	1000
Thomas Hutchkin	5000	John Hallett	2000
Giles Hudfon	10000	John Halliburton	1000
Harris, Harris and Scott	6000	Meffrs. Hanfons	2000
Edmond Halliday	3000	John Hingeftone	1000
Thomas Hankey	60000	Daniel Hobfon	2000
John Hulman	1000	Francis Hayward	500
A. F. Haldimand	5000	Richard Hay	500
Sir J. Henniker	10000	John Hayward	500
John Harrifon	8000	George Heming, jun.	1000
Daniel Hobfon	25000	John Howard	2000
Sir Robert Herries	100000	John S. Horton	1000
Denis Herbert	1000	Alexander Hamilton	2000
Halifax, Mills, and Co.	60000	Charles Hawkins	500
Sir A. Hammond	8000	William Hamilton	500
Henry Hunter	4000	David Harvey	1000
Bartholomew Huber	[illegible]000	George Harvey	1000

Thomas

Thomas Hogarth * -	1000
William Hammond, sen.	2000
Charles Harris —	2000
William Heald -	40000
Col. Nathaniel Heywood	3000
H. Holland jun. -	6000
Alexander Hope -	33000
John Ingram —	2000
Charles Jackson -	5000
William Jones -	4000
Adam Jellicoe —	1000
Sir William James, Bart.	100000
Thomas Jones -	1000
J and J J[illegible] -	1000
Jones, Howard and Jones	20 00
James Johnson —	2000
Richard J[illegible] —	40[illegible]
William Jackson	5 00
General Johnston -	4000
J[illegible] Jones —	5[illegible]
George Jones —	1000
George Pon —	10[illegible]
Joseph Jones —	3000
James Jackson —	1000
J[illegible] Jones —	5000
George Jackson -	10000
Thomas J[illegible] -	10000
Henry Jones —	10000
William Jones —	15000
William Jones —	2000
* John Wingate Jennings	2000
Cuthbert Johnson -	2000
Joseph Jowett —	1000
John Jones —	3000
George Jeffray —	500
Griffith Jones —	1000
Godschall Johnson -	1000
John Kirwan -	1000
Ro[illegible] Kerrison -	20000
Khuff and Co —	3000
Kops and Confectioners	5000
John Kenrick —	10000
Thomas Keere —	4000
Kinlock and H[illegible]g -	5000
Thomas Kelsall -	2000
William K[illegible]tt -	1000
Redmond Kelly -	70 0
William Knox —	10000
John Kendall, for the York Bank —	40000

Kerr, Pope, Dyson, and Co. ——	18000
Robert Knox -	10000
J F Kein —	1000
Henry Keene —	500
James Kerr —	8000
Benjamin Kenton -	1000
Godfrey Kettle	500
Charles Keightley	13000
J D. Lucadou and Co.	10000
Elias Lindo —	4000
—— L[illegible] sey —	10000
Robert Ledl[illegible] —	3 00
[illegible] and Co	1 00
J. Martin Leake -	8000
John L[illegible] —	[illegible]
Warren Lisle —	10 0
Lon[illegible]dale and [illegible] -	[illegible]
G. J. L[illegible]	1000
P Robert L[illegible]	10 [illegible]
Lee, Ayton, and Co	[illegible]
Ladbroke, [illegible], and Co ——	[illegible]
L[illegible]the, C[illegible]owe, and Co	[illegible]
L[illegible] Philips and Co	[illegible]
London Assurance Office Directors ——	[illegible]
Lindegren and Co. -	[illegible]000
Edward Lucas —	[illegible]
James Leake —	5000
Sir William Lemon, Fu[illegible], and Co. ——	2[illegible] 0
J Larpent senior -	5000
Thomas Lock —	1 00
William L[illegible]nder -	[illegible]
S. Martin Leake -	[illegible]000
John Leslie —	[illegible]
Le Comte & Son	10000
Lt Hugh Lloyd -	1000
Thomas Lloyd —	5000
Edward Lowndes -	1000
Robert Lowndes -	2000
John Lucas —	1000
Thomas Longman -	3000
Judith Levy —	1000
Thomas Lilly —	2000
Charles Lutwidge -	6000
Mathew Lewis -	10000
James Laird —	10000

Capt

Capt. David Laird	10000
Ralph Laycester	4000
Henry Littledale	3000
Isaac Lefevre	3000
Peter Lefevre	1000
Leonard Lefevre	500
J. H. Langston	2000
M. Langdale, jun.	1000
J. Larpent, jun.	3000
Edward Lewis	10000
Thomas Lockyer	1000
Thomas Ludbey	1000
William Lucas	2000
M[illegible]nd	4000
Robert Cooper Lee	1000
[illegible], Bax and Ellil	1000
A[illegible] Lara	4000
[illegible] Lo[illegible]more	1000
[illegible]	500
J. A. and C. L[illegible]	1000
J[illegible] Lu[illegible] jun.	5000
Joseph Lomas	500
[illegible], Darby and Knott	[illegible]00
John M[illegible]t	[illegible]
Lord Montague	5000
Robert Mitford	1000
[illegible] M[illegible]kintosh	1000
Thomas Martin	2000
[illegible], Son, & Atkinson	200000
John Mitford	4000
Sir Herbert Mackworth	10000
William Mathews	2000
F. Martin	5000
Ken. Mackenzie	5000
Colin Mackenzie	10000
Philip Metcalfe	10000
J. Meyrick	5000
T. Methold	2000
William Manning	40000
William Mitford	8000
Mrs. Mawhood	4000
William Mathews	10000
John Merry	8000
Robert Mackay	15000
Maze and Le Chevalier	5000
Israel Mauduit	10000
Mildred, Masterman, & Co.	15000
Nathaniel Modigliani	6000
Marlar, Pell, and Down	30000
Edward Moore	5000
James Margetson	10000
Joseph Marryatt	1000
William Matcall	5000
James Madden	2000
John Mavor	10000
Robert Mayne	90000
Marlar, Steward, & Boyd	3000
Mainwaring and Russell	5000
Marsh and Creed	2000
Stephen Maberly	3000
John Michie	8000
John Motteux	6000
William Minshall	4000
Leonard Morse	10000
John Marratt	1000
Robert Mawley	500
Doctor Milman	1000
Robert Maitland	2000
Mr. F. Maynard	1000
John Markett	8000
C. Mackintosh	6000
L. Mackintosh	6000
Robert Moite	2000
John Mason	500
Maitlands and Co.	2000
Tho. Millington	500
Maze and Steer	500
Mrs. S. Musgrave	500
Michael Mitchell	1000
Mallett and Frisby	500
John Maddison	10000
James Madden	3000
Thomas Masterson	3000
Wm. M'George	20000
William Mellish	6000
Doctor J. Moore	3000
Samuel Morrow	35000
John Morton	25000
Rich. Molesworth	3000
William Morrow	20000
Joseph Nutt	6000
John Nutt	15000
John Nesbitt	15000
Edward Naish	3000
Lord Newhaven	10000
Neave & Aislabie	5000
Tim. Nucolla	10000
Henry Nicols	20000

Abiah.

Abrah. Newland -	10000
James Neild —	1000
Peter Nicol —	500
Fasham Nairn —	5000
John Nailor —	6000
Thomas Newnham (Alderman) ———	2000
Thomas Newte —	500
Sir James Napier -	500
James Nealson —	2000
Henry Newcomb -	3000
William Noble —	1000
Henry Nicols —	500
George Newham -	2000
Israel Nasso —	5000
Robert Nixon —	1000
William Northàge -	500
Peter Nicoll —	2000
Doctor G. Oliver -	4000
T. Ormes —	3000
John Ostler —	9000
Doctor D. Orme -	2000
Thomas Oliver —	41000
Prescotts, Grotes, & Co.	100000
F. N. Palman —	1000
Thomas Powell -	2000
Patterson's and Icelin -	3000
Evan Pugh —	5000
Pigon and Andrews -	4000
James Phynn —	5000
David Pugh —	2000
David Powell —	1000
Anthony Parkin -	3000
H. Parry —	3000
John Pechie —	1000
Thomas Parke —	4000
Peter Pope —	3000
John Purling —	10000
T. J. Portau —	4000
Samuel Peach —	10000
John Powell —	10000
Samuel Potts —	3000
William Paynter -	1000
John Pardoe —	10000
John Pardoe, jun. -	10000
Pugets and Bainbridge	4000
Samuel Plumb —	5000
J. Price —	1000

Per. Pott —	2000
David Powell, jun. —	1000
Pybus, Dorset, and Co.	15000
John Pardon —	2000
Nicholas Phillips -	1000
George Payne —	4000
Thomas Pugh —	5000
Henry Pierson, and Co.	20000
R. and W. Pinchbeck	1000
Thomas Pratt —	10000
Richard Peckham -	2000
Anthony Pye —	3000
Edward Payne -	80000
J. Payne —	5000
Joseph Paice —	20000
John Purrier -	20000
Thomas Poole -	1000
S. Pretor —	500
Peter Pierson -	1000
Henry Playford —	500
Richard Plimpton -	500
Palmer and Hodgson -	1000
Nathaniel Paul -	1000
Thomas Pickford -	500
Pierrepoint & Waddington	1000
Christopher Pottinger	2000
Joseph Peele -	500
Thomas Parsons -	1000
Edward Pearson -	500
Richard Patch -	1000
Marm. Peacock -	1000
George Pruddon -	500
James Portis -	4000
Thomas Pemberton -	1000
John Philips -	500
Michael Pope -	3000
Thos. Walley Partington	6000
John Parsons -	3000
Doctor Lucas Pepys -	3000
John Perins -	33000
John Perkins -	25000
William Pollock -	3000
Sir Ferdinand Poole, Bart.	1000
Thomas Quintin -	2000
Milward Roe -	10000
George Robinson -	5000
Robert Randall -	4000
Rivier, Crawley, and Co.	30000

Gilbert

Gilbert Rofs - 3000
Royal Exchange Affurance Directors — 100000
Th. Ratcliffe - 2000
J. Rigg and Son - 5000
Anthony Richardson 20000
James Reed - 5000
James Royer - 6000
George Ramus - 5000
J. I. Reine - 60000
Anthony J. Rucker - 10000
Thomas Robinson - 5000
Tom [illegible] - 10000
P[illegible], & Co. 100000
Thomas Rumfey 3000
G[illegible] - 5000
D[illegible] - 5000
C. W. B[illegible] - 10000
M[illegible] - 4000
P[illegible] R[illegible] - 3000
R[illegible] and H[illegible] 2000
J[illegible] 4000
F[illegible] Reynolds 10000
J[illegible] - 4000
S[illegible] - 1000
John R[illegible] — 2000
William R[illegible] — [illegible]000
M[illegible] - 10000
John R[illegible] — 3000
Thomas Ridg[illegible] - 10000
Samuel R[illegible] — 3000
W. and T. R[illegible] - 5000
Joseph R[illegible] - 2000
Griff R[illegible] — 4000
John R[illegible] — 1000
William Robertfon - 4000
A[illegible] and [illegible] Rofs - 2000
William Rofe — 1000
Rev. John Rufs — 1000
Benjamin Rogers - 3000
Richard Robinfon - 500
Samuel Rolliftion - 500
Alexander Robarts - 2000
Giles Rooke — 500
Jacob Ruffen — 2000
George Rut[illegible] — 1000
Edward Reeve — 1000
John Richards — 500
John Raymond - 1000
Fenton Robinfon - 1000

Matthew Raw — 500
William Rofs — 2000
Thomas Rufh — 25000
Francis Squire — 4000
Jofeph Salvadore - 4000
G. Steward — 100000
Art. Shakefpear - 3000
Robert Stevenfon - 10000
Jeremiah Snead - 5000
Thomas Stevenfon - 3000
William Strahan — 10000
John Schoolbred - 3000
Sidler and Guillaume 5000
George Stanforth - 10000
William Speer - 10000
General Skene - 10000
Jabez Smith — 1000
Solomon Salomons - 5000
J. and J. Sapotts - 3000
Dame M. Schaub - 1000
P. Simond — 20000
Jane Levin Salomons 8000
Abel Smith — 50000
Smith, Payne, and Smith 60000
W. Saxby — 2000
J. Stalker — 2000
Edward Stanley - 10000
William Smith — 1000
H. Strachey — 10000
Thomas Smith — 3000
Alexander Snell - 3000
Merriot Stephens - 2000
John S. Stock — 2000
Mark Smithfon - 1000
William Smith - 10000
Samuel Smith, fen. & jun. 20000
Sir R. Symmons - 10000
I. Spilfbury — 1000
Francis Stephens - 2000
John Stephenfon - 10000
John Slade — 5000
Thomas Smith — 1000
P. A. Sapte — 5000
William Edward Smith 3000
Sir Thomas Sewell - 5000
John Spiller — 10000
Caleb Edward Smith - 5000
William Sanders - 1000
Sibbald and Brown - 2000
Hon. Charles Stuart - 10000

Thomas Sedgwick -	5000
Samuel Sneyd —	5000
William Sheldon -	2000
Joseph Smith —	1000
Francis Sykes —	10000
Lieut. Col. Saxton -	3000
Thomas Sutton -	6000
South-Sea Company, Directors of —	200000
John Charles Splitgerber	10000
Smith and Sill -	67000
Benjamin Smith -	15000
John Skurrow —	5000
John Staples —	1000
Hardinge Stracey -	2000
R. Stephenson -	20000
George Stackpole -	5000
Smiths, Nash, and Co.	30000
John Snaith —	10000
John Stephens —	8000
Staples, Dimsdale, & Co.	50000
George Soltau —	2000
William Soltau -	1000
Thomas Smith —	500
John Savery —	1000
Culling Smith —	2000
Hon. Mrs. Susan St. John	500
Joseph Shrimpton -	500
Charles Smith -	500
Thomas Shewell -	1000
Smith, Winchelt, and Co.	1000
Elizabeth Savile -	2000
J. and N. Stonard -	1000
Richard Seaman -	1000
William Steer, jun. -	1000
Frederick Standert, jun.	5000
William Styer -	500
James Semple -	500
Robert Scott -	5000
William Seaber -	3000
West. Smith -	1000
John Snaith, jun. -	1000
Thomas Snaith -	1000
Jonathan Steel -	4000
Thomas Sedgwick -	1000
Edward Seward -	3000
Henry Spencer -	3000
Thomas Stanton -	1000
John Smith —	500
Sales and Pollard -	1000
Thomas Pitt Stead -	500
Thomas Smith —	5000
Nathan Salomons -	2000
Isaac Smith —	3000
Charles Stewart -	2000
Daniel Stephenson -	1000
Richard Simmonds -	1000
Thomas Shuttleworth -	2000
Sharpe, Maude, and Co.	5000
A. H. Sutherland -	2000
William Smith —	500
William Steer -	1000
James Skelton -	500
Edward Stewart -	1000
Henry Spencer -	2000
William Slann -	500
Smith, Ellison, and Brown	2000
John Scott (Milbank)	3000
John Scott (Hammersmith)	26000
William Sheldon -	6000
Drummond Smith	13000
William Smith -	30000
Lewis Teissier —	40000
William Thompson -	1000
Anthony Todd -	10000
Tibbets and Belcher -	5000
John Hinton Tritton	10000
Thornton & Cornewall	200000
Peter Thellusson -	250000
G. Tatem —	8000
Godfrey Thornton -	20000
Robert Taylor -	5000
B. Thomson —	10000
Andrew Thomson -	20000
James Thomas -	2000
Francis Tomkins -	5000
R. Tibbits —	2000
John Timmings -	1000
Trinity House, Corporation of	40000
Robert Trevor -	5000
Samuel Townsend -	5000
Elias Tuckell -	5000
Bryan Troughton -	6000
Thomas Tyndall -	5000
John Townson -	10000
Dr. Tucker —	2000

William

William Taylor	4000
James Tierney, Executors of	5000
Harry Thompson	30000
Thomas Thompson	5000
John Tustin	5000
John Trotter	10000
John Thistlewood	1000
Frederick Teush	500
Thomas Tritton	1000
William Tatnall, jun.	1000
Thomas Thorne	1000
William Taylor	1000
James Taylor	1000
Thomas Trower	2000
Richard Twining	3000
Isaac Thompson	500
Charles Teissier	2000
Stephen Teissier	2000
Peter Treves	6000
Thomas T[illegible]r	2000
Benjamin Vaughan	2000
T. T. Vaughan	2000
Vaughan and Margetson	1000
Anthony Vilhon	30000
Vandermucken and Jouvett	5000
Charles Van Notten	10000
J. Dirk Van Clootwyk	1000
Geo. Jos. Van Neck and Co.	15000
Pieter Huguetan, Lord of Vryhauven	5000
John Vowell	3000
Gordon Urquhart	2000
Peter Van Notten	15000
Robert Udny	10000
John Vaughan	500
Wolfort Van Hemet	1000
R. Vigne	500
Charles Vann	500
J. Woodhouse	8000
Jonathan Watken	2000
John Whitelock	20000
Thomas Wright	5000
William Williams	1000
Anthony Wright and Son	30000
Charles Williams	3000
Charles Wray	10000
Watson and Rashleigh	15000
Samuel Warren	2000

Wickenden and Moffat	20000
Walpole, Clarke, & Co.	25000
Matthew Winter	5000
J. and D. Webster	3000
Henry White	6000
J. White	1000
Robert & Farley Willing	5000
Thomas Wellings	10000
Peter Waldo	5000
John and William Wells	8000
Anthony Whitelock	2000
Martin Whish	3000
Mark Weyland	10000
Alexander Wynch	2000
Nicholas Webb	15000
James Wills	8000
John Williams	8000
Joseph Waugh	25000
John Wetherell	500
Nathaniel Webb	5000
Adam Wood	2000
Joseph Watkins	8000
Edward Whitford	5000
F. Woodcock	3000
Samuel Worrall	3000
George Welch	5000
R. Woodford	2000
William Watts	3000
John Way	3000
James Whatman	5000
William Waller	20000
George Webster	1000
Samuel Warburton	3000
John Wallace	2000
Major Robert Williams	3000
Dr. Warren	10000
Francis Wood	20000
John Balchen West	5000
John Warren	1000
George Whitehead	2000
Thomas Wilkins	1000
Jacob Wilson	1000
Jacob Whitbread	500
William Weston	1000
John Wanley	1000
John Warren	500
William Wood	500
Christopher Willoughby	2000
William Westmacott	2000
John Wilson	1000

Joseph Walton	2000	Francis Williams	1000
James Woodbridge	4000	Joseph Ward	3000
John Walker	5000	George Wheatley	15000
Isaac Walker	4000	Major John White	3000
William Wildman	500	John W[illegible]	3000
William Wilson	1000	Thomas Wood	13000
Robert Wilson	1000	Abraham L. Ximenes	2000
Charles Wilson	500	Young Steel, and Jones	1000
Thomas Wall	1000	Gavin Young	3000
Simeon and Isaac Warner	1000	Timothy Yeates	8000
Samuel Wrath[illegible]	1000	John Yerbury	2000
William Webster	500	[illegible] Roe Y[illegible]	10000
Thomas Williams	500	John [illegible]	500
John Woolfenholme	500	John Y[illegible]	[illegible]
John Wool[illegible]	3000	Thomas York	2000
Hugh Wallace	4000		
Richard Welch	3000		l. 12 000 000
Thomas Wiggington & Co.	5000	A. Newland, Chief Cashier.	

The House went into a committee on the loan bill.

Mr. Hussey. Mr. Hussey said, that in this, as well as in every other stage of the bill, the House of Commons had a right, in his opinion, to examine into the circumstances [illegible], and to offer such alteration as they should think [illegible] advantageous to the public. It [illegible] had not [illegible] considered the ceremonious proceedings [illegible]; and that they possessed [illegible] discretion, and act as their discretion [illegible] fit of their constituents. [illegible] this doctrine [illegible] from the [illegible] conduct of [illegible], it seemed to [illegible] could only [illegible] the minister's transactions, and not as a body [illegible] hereditary and [illegible] powers, who could alter, check, and control the conduct of ministers. The [illegible], under all its complicated evils, [illegible] the most [illegible] investigation of the House; and even now, though the first deposit was made, he conceived that they found [illegible] the right and the power to alter the terms of the loan, and send the minister back to make a fresh bargain with the money lenders. If they had not this right, he declared that all their ceremonies and forms were mere mockery.

Lord North. Lord North declared it was his opinion, that the House had given a final and conclusive agreement to the bargain which the treasury had made, when they agreed to the report from the

the committee, and that after that time, undoubtedly they could not, consistent with justice, with honour, or with policy, break or alter the bargain which had been made. Such a breach of their bargain would be attended with consequence infinitely more disadvantageous and fatal than the terms of the loan could possibly be, let them be as exorbitant as it was possible. It would be a breach in national faith, and would give the world reason to distrust the state. Undoubtedly the Parliament had the power to check and to controul the treasury. Having the powers of deliberation, they certainly could rescind any resolution which they had made, but [illegible] how the exercise of their powers [illegible]. In this instance the majority [illegible] had agreed to the bargain, and their opinion [illegible] The noble lord [illegible] this doctrine by various arguments.

Sir George Savile urged the necessity of bringing all the circumstances [illegible] under the consideration of the House [illegible], and the [illegible] extravagance of the [illegible] to the shrewd [illegible] that it had been made [illegible] purpose of corrupting the members of that House, [illegible]

[illegible] passed without further discussion.

The House then received the report from the committee of ways and means [illegible] the taxes [illegible]

Mr. Byng [illegible] Lord North [illegible] any alteration [illegible], in order to make good the deficiencies of [illegible]

Lord North declared, that he intended a revision of the taxes, [illegible] he hoped to introduce a plan for making good the deficiencies which had occurred in the three last years.

Mr. Dempster said, that he was glad that the noble lord had undertaken to revise the taxes, a work both very desireable and much to be commended, and he trusted that he would think the expunging of the tax on auction would be a work worthy of a financier, for he stated that tax to be one which operated like the tax in Spain, which went to all commodities, and was finally destructive to all commerce.

Lord North declared, that the auction tax, which had been originally rated at 37,500l. had certainly been a productive tax, for it had amounted to from between thirty-six and thirty-seven thousand pounds in the last year.

The second order of the day being now read, for the attendance of Mr. Thomas Noxon, and Mr. Thomas Butler, late sheriff

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Sir George Savile.

Mr. Byng.

Lord North

Mr. Dempster.

Lord North.

sheriffs of the city of Coventry, and for taking into further consideration the several petitions presented to this House upon the 20th of November last, relating to the return made by the said sheriffs at the last general election, the said sheriffs and the counsel for Lord Sheffield and Mr Roe Yoe, and for the several freemen of the city of Coventry, who have petitioned this House, complaining of the conduct of said sheriffs, were called in; and the sheriffs acquainted the House that the counsel they had applied to had not had time to prepare himself to undertake their defence. Then one of the counsel for Lord Sheffield and Mr Roe Yoe, and for the several freemen of the city of Coventry who have petitioned this House, complaining of the conduct of the said sheriffs, summed up their evidence, and the sheriffs being asked what they had to say in their justification of their having made no return of members to serve in Parliament at the last general election, and in answer to the matters charged against them in the petitions of Lord Sheffield and Mr Roe Yoe, and of the several freemen of the city of Coventry who have petitioned this House, complaining of their conduct, the said sheriffs were heard, and having desired that their under sheriff, who attended as their agent, might examine the witnesses who had been ordered to attend the House on their behalf, the said agent was called in, and at the bar examined the several witnesses who were attending in justification of the conduct of the said sheriffs, and the said agent having submitted to the House that the said sheriffs had still several other witnesses, but that they were now at Coventry, and that they therefore desired further time, in order to have an opportunity to summon the said witnesses, the said sheriffs and their agent, and the said counsel, were directed to withdraw, and a motion made, and the question put, That the further attendance of the said sheriffs, and the further consideration of the said petition, relating to the return made by them for the said city of Coventry, at the late general election, be adjourned till this day se'nnight.

It passed in the negative.

Then the said sheriffs, and their agent, and the said counsel, were again called in; and the sheriffs having acquainted the House, that they had no other witnesses to produce, the said sheriffs, and their agent, and the said counsel, were again directed to withdraw.

After which it was

Resolved, That it appears to this House, that at the last general election of citizens, to serve in Parliament for the city

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ty of Coventry, Thomas Noxon and Thomas Butler, the sheriffs, who were the returning officers at the said election, were not prevented by riots, or otherwise, from making a return of members to serve in the Parliament for the said city.

Resolved, *nemine contradicente*, That the said Thomas Noxon and Thomas Butler, late sheriffs of the said city of Coventry, not having made any return of members to serve in Parliament at the last general election for the said city, are thereby guilty of a high violation of the law, and a gross breach of the privileges of this House.

Ordered, That the said Thomas Noxon and Thomas Butler be, for the said offence, committed to his Majesty's gaol of Newgate, and that Mr. Speaker do issue his warrant accordingly.

They were then put into the custody of the serjeant at arms, who conveyed them to Newgate in a hackney coach, where they arrived at half past eleven o'clock at night. Owing to the destruction of this place in the late conflagration, the keeper had it not in his power to put the sheriffs in any other place but the cells, or the guard room among the soldiers, the latter of which they preferred.

March 16.

A motion was made by Mr. Hopkins to change the place of confinement appointed for the sheriffs of Coventry, and instead of their continuance in Newgate, to put them into the custody of the serjeant at arms. The reason for this motion, he assigned to be the extreme severity of their confinement in Newgate, on account of the injuries which it sustained by the late tumults. Though it was the opinion of the House, that the sheriffs should be punished for their neglect, or abuse of duty, it surely was not their intention to class them with felons, and immure them in the cells of the prison. The humanity, as well as the justice of the motion, he trusted, would be the best recommendations in its favour.

A short conversation arose upon this subject, in which Lord Sheffield observed, that though the prison of Newgate was undoubtedly unfit, yet there were very convenient apartments in the prison of Tothill-fields, to which the sheriffs might, with propriety, be sent. The motion was finally agreed to.

Lord *North* gave notice, that on Monday the 19th, he would call the attention of the House to a revision of the duties on paper. Ld *North*.

Mr.

Mr. Crewe. Mr. *Crewe* brought in his bill for restraining officers of the excise and customs from having a voice in the election of representatives. It was read for the first time.

Adjourned to the 19th.

March 19.

The House in a committee of supply.

Ld North. Lord *North* rose and said, that having given notice of his intention of moving some propositions in order to regulate and amend the duties on paper, the committee would naturally expect to hear from him a detail of the history of those duties as they now stood, with an account of their present produce, as well as an account of the means by which he should endeavour to increase that produce. As the resolutions, however, which he meant to offer, would necessarily be extremely numerous, and would take up some time in putting, he should as concisely as possible state the particular facts that called for the consideration of the committee, and follow that statement with a description of the nature of the regulations which he should propose in consequence. The duties upon paper, as they stood at present, he should make it appear to the committee, fell greatly short of their intended produce, when the legislature passed the last regulation on the subject. By the act of Queen Anne, gentlemen would recollect, certain duties were imposed, which duties were multiplied in the proportion of one half, by the 10th of the same queen; and since that time no duties whatsoever had been laid on paper, except the five per cent. put upon all excise duties [illegible] years ago. By one of the acts, the several species of paper then in use were enumerated, and by [illegible] the duties *ad valorem*, in which way they had generally been collected since, so that the duty on paper as it now stood, not as the legislature intended [illegible] like that per centum had [illegible] the revenue. In the act which enumerated the [illegible], only eleven different sorts were enumerated, although [illegible] there were no less than seventy-six different names for papers; the act barely mentioned fine demys and common demys, fine crowns and common crowns, fine foolscaps and common foolscaps, fine pots and common pots, and three sorts of brown, and white and brown papers. This, gentlemen must see, fell greatly short of the number of kinds of paper now made, in fact, there was, as he had already said, seventy-six sorts; but when it was considered, that the act was passed sixty-seven years ago, it was not to be wondered

wondered at, because, in all probability, many different species of paper had been invented and brought into use since Queen Anne's reign, which was one among other reasons that would serve to prove the necessity of a general regulation of the duties upon paper. Another reason why these duties stood greatly in need of amendment, the committee must feel the force of, when they heard that the mode of taking the *ad valorem* duty was merely this; according to the act, and according to the practice for years past, the paper-maker, as soon as he had made a quantity of any sort of paper, took a bundle of it to the next market town, and sold it at whatever he could get for it, and then either he himself (if he sold it in person) or his foreman, or his servant, or whoever sold it, made oath of the price, and upon that price the *ad valorem* duty was estimated. That this mode was liable to be attended with very pernicious consequences to the revenue, and great inconveniencies to those who dealt in paper, his Lordship said, must be apparent to every gentleman, who considered in the first place, that the market price of paper, estimated by the price given at a country market town, was a mere nullity, because in fact no country market town could be deemed a market for paper, the great, and almost the only market for that article being the metropolis; in that point of view, therefore, the revenue was liable to suffer very considerably, and the trader in paper must be inconvenienced, because, as the act laid down no rule, but left it to the maker arbitrarily to settle the price with the country buyer, of course the price put upon the paper by a maker in one place was different from the price put upon it by a maker in another, and thus, when the paper was sent to its proper market in town, very different prices were demanded by different makers from the wholesale stationers for papers, the same in point of quality and dimension. In order to shew that he was founded in this remark, his Lordship said, he had been told (for gentlemen would see that he had studied the subject merely for the occasion, and must speak pretty much upon information) that some makers put almost double the price upon their papers that others did; and indeed it appeared from the different entries at the excise office, whence it was evident, that upon papers of the same size and quality, there had been put by one maker the price of one shilling and sixpence per ream, by another two shillings and sixpence, and by another three shillings, and so in regard to different papers. That the revenue had suffered considerably was evident, be-

cause it was easy to be proved, that the duty had been often taken in the country upon fine writing papers, at the *ad valorem* price of eight shillings a ream, when it was taking their real price in London very moderately to take it for one pound sixteen shillings per ream. That it had been taken on others at fourteen or fifteen shillings, when they fetched in London two pound twelve shillings and sixpence a ream, upon other papers of an inferior sort at three shillings, four shillings, five shillings, seven shillings, eight shillings, nine shillings, and ten shillings per ream, the London prices of which were nine shillings, twelve shillings, fifteen shillings, twenty-one shillings, twenty-four shillings, and from twenty-seven shillings up to thirty shillings.

This being the case, his Lordship said, he had taken some trouble to make himself master of the facts, and to hit upon such a method of amending and regulating the duties, as should make them come nearer to the original intention of the legislature, and be at the same time easily comprehended by the paper-maker and the excise officer, without injuring the paper-maker, or oppressing the consumer. The method he should propose, would not be to take the duty any longer *ad valorem*, according to the 12th of Queen Anne, because, as he had already shewn, the market price of a country-market town was a mere nullity. For instance, the town of Salisbury, much more towns, infinitely less in extent and trade, could not be said to be in any degree a mart for paper, that ought to regulate its value, and govern the duty resulting to the revenue; excepting Bristol, and some few large trading towns, London stood alone, nor could Bristol, or any other place, however considerable its dealings in paper, be put in any sort of competition with the metropolis. The legislature clearly intended, and indeed as the law now stood, a clear eighteen per cent. was payable upon paper, but (as he had sufficiently stated) for the reasons already mentioned, the revenue did not receive any thing like that proportion of produce from it. The method he meant to adopt, was to form five tables, enumerating all the papers now made, dividing them into certain classes, thus: one table would comprehend the fine papers from the largest size downwards, a second table inferior sorts of writing papers, a third fine printing papers, from the largest size downwards, a fourth inferior printing papers, and a fifth table would comprehend coarse and brown papers of all sorts, and in order to put the whole trade upon one and the same footing, he should rate the duty according

according to the quality and dimension. With regard to the quantum of duty, he should govern it by the price paper bore in town, in the present flourishing state of the trade, but he meant neither to take it at the highest rate, nor at a medium price, but at a very moderate *ad valorem*. By this means, in many instances, the maker would not pay eighteen per cent. and yet the revenue would be benefited very materially. His lordship went into an arithmetical statement of the superior produce that would arise from this mode, by opposing the probable result of the experiment in various instances, to what had been received by the excise for many years past. Thus papers, which now, from eighty reams produced but six pounds revenue, would yield about twenty, and so on with regard to others. His Lordship said, he meant of course to superadd to the particular duties made payable by these new tables of duties, the five per cent. imposed two years ago, and the five per cent. lately resolved on, and agreed to by the House; but he did not mean to include painted, printed and stained paper. The duty on these being 1½d per yard, he meant to continue as it stood; and that being the case, it was impossible for him to say what sum would be the exact produce of the intended regulation. The sum for which the duties on paste-board and paper altogether had been taken, was 25000l. per year; how much of that sum arose merely from the duties on paper he could not say, but gentlemen must see, that the produce would be considerably improved by the proposed regulation---in the proportion of trebling it, perhaps, or much more.

He was aware, he said, that it might be objected, that his present scheme would not take in papers of new descriptions and dimensions that might be planned, made, and brought to market. It was true the objection would lie, but in order to provide against such cases, he meant to introduce into the bill (should the committee adopt the resolutions he designed to move, and the House agree to the report of them) a clause, giving the excise a custom-house regulation in regard to these duties. At the custom-house, by virtue of an act of Parliament, when a duty was to be paid on any article imported, that was not to be found in the book of rates, and which was to be taken *ad valorem*, if the officer was not satisfied with the value sworn to by the importer, he was authorized to take the goods, and to pay the importer a profit of ten per cent. upon the price put upon the goods by himself. This regulation, his lordship said, had been found ex-

tremely accommodable at the custom-house; and had been attended with very beneficial consequences to the public, and therefore in order to provide against cases that might arise, he intended to introduce a clause, that all such papers as might be invented of different dimensions from those stated in the five tables he had spoken of, their *ad valorem* should be reckoned upon the market price in London, and governed, in some degree, by the dimensions of the paper nearest in size to it; but if, after all, the maker was not satisfied with the price so to be put upon it, but should think it rated too high, the excise officer should be empowered to detain the paper for the king's use, paying the manufacturer a profit of ten per cent. upon his goods for his labour.

His lordship said, that the whole of his scheme had been submitted to the inspection of several of the most considerable and most eminent paper-makers, as well as to some of the paper-venders in town of the same description, and that they all approved of it. He concluded with informing the committee, that he had EIGHTY resolutions to make upon the subject. This produced a hearty laugh, but his lordship explained himself by stating, that his first motion would necessarily be for the repeal of all the acts now in being for laying any duties upon paper, except those on painted, printed, and stained papers---then there must be seventy-six resolutions for the several sorts of paper---then there must be one to lay the two additional duties of five per cent. on the value---then there must be one to apply the duties to the same purpose for which they were originally granted---and are to order in a bill on these resolutions.

Mr. Dempster. Mr. *Dempster* begged to know, whether the noble Lord meant to apply the additional produce of the revenue, that this regulation would yield to the making good the deficiencies of his other late taxes, or to let the whole of it go to the sinking fund?

Ld North. Lord *North* said, as the produce could not be considered as a new tax, but merely as the regulation of an old one (for gentlemen would please to recollect, that the duties stood now, according to the express acts of the legislature, at the rate of eighteen per cent. with the superaddition of the five per cents, though the revenue fell greatly short, for the reasons he had stated) as therefore the present was merely a regulation of an old tax, he designed the whole produce to go to the sinking fund. As he was up, his Lordship said, there was one thing which he had missed, that he would take that opportunity

opportunity of mentioning, and that was, to beg not to be underftood as meaning to caft any flur upon the reputation of the paper-makers, or to impute the failure of the revenue upon paper hitherto to any ill conduct in them; he was very far from either thinking that it was imputable to the paper-makers, or intending to infinuate any fuch idea. Long cuftom had fanctified the paper-makers in taking the excife upon the *ad valorem*, in the manner in which they had hitherto taken it; indeed, the act obliged them fo to take it, and their having put very different prices upon the fame fort of paper muft unavoidably be the cafe, where there was no rule of law to govern the price, and where it was arbitrarily fixed at the will of the maker, unlefs, indeed, a general collufion had been entered into by the makers throughout the kingdom.

The eighty refolutions were feverally read by the chairman, and agreed to by the committee, and are as follow:

Refolved,

1. That the feveral rates and duties upon paper, millboards, pafteboards, and fcaleboards, made in Great Britain, (except fo much as are impofed upon paper to be printed, painted or ftained, in Great Britain) to ferve for hangings and other ufes, do ceafe, determine, and be no longer paid.

2. That a duty of 9s. per ream be laid upon all paper made in Great Britain for writing, called Imperial, of the value of 2l. 11s. per ream and upwards, and not exceeding the dimenfions of 22 inches by 30 inches and a quarter.

3. That a duty of 6s. 9d. per ream be laid upon all paper made in Great Britain for writing, called Super-Royal, of the value of 1l. 18s. per ream and upwards, and not exceeding the dimenfions of 19 inches and a quarter by 27 inches and an half.

4. That a duty of 5s. per ream be laid upon all paper made in Great Britain for writing, called Royal, of the value of 1l. 9s. per ream and upwards, and not exceeding the dimenfions of 19 inches and a quarter by 24 inches.

5. That a duty of 4s per ream be laid upon all paper made in Great Britain for writing, called Medium, of the value of 1l. 2s. 6d. per ream and upwards, and not exceeding the dimenfions of 17 inches and an half by 22 inches and an half.

6. That a duty of 2s. 9d. per ream be laid upon all paper made in Great Britain for writing, called Demy, of the value of 16s. per ream and upwards, and not exceeding the dimenfions of 15 inches and an half by 20 inches.

7. That a duty of 2s. 3d. per ream be laid upon all paper made in Great Britain for writing, called Thick Poft, of the

value of 13s. per ream and upwards, and not exceeding the dimensions of 15 inches and a quarter by 19 inches and an half.

8. That a duty of 1s. 9d. per ream be laid upon all paper made in Great Britain for writing, called Thin Post, of the value of 10s. per ream and upwards, and not exceeding the dimensions of 15 inches and a quarter by 19 inches and an half.

9. That a duty of 1s. 3d. per ream be laid upon all paper made in Great Britain for writing, called Small Post, of the value of 7s. 6d. per ream and upwards, and not exceeding the dimensions of 13 inches and an half by 16 inches and an half.

10. That a duty of 1s. 6d. per ream be laid upon all paper made in Great Britain for writing, called Fools Cap, of the value of 9s. per ream and upwards, and not exceeding the dimensions of 13 inches and an half by 16 inches and three quarters.

11. That a duty of 1s. per ream be laid upon all paper made in Great Britain for writing, called Pott, of the value 6s. per ream and upwards, and not exceeding the dimensions of 12 inches and an half by 15 inches and an half.

12. That a duty of 1l. 10s. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Double Atlas, of the value of 15l. per ream and upwards, and not exceeding the dimensions of 55 inches by 31 inches and an half.

13. That a duty of 1s. 9d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Demy, of the value of 12s per ream and upwards, and not exceeding the dimensions of 15 inches and an half by 20 inches.

14. That a duty of 1s. per ream be laid upon all paper, made in Great Britain for writing or copper-plate printing, called Copy, or Bastard, of the value of 7s. 6d. per ream and upwards, and not exceeding the dimensions of 16 inches by 20 inches and a quarter.

15. That a duty of 10d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Fools Cap, of the value of 6s. per ream and upwards, and not exceeding the dimensions of 13 inches and an half by 16 inches and three quarters.

16. That a duty of 10d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Littris Fools Cap, of the value of 6s. per ream and upwards, and not exceeding the dimensions of 13 inches and an half by 17 inches and an half.

17. That

17. That a duty of [illegible] per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Pott, of the value of 4s. per ream and upwards, and not exceeding the dimensions of 12 inches and an half by 15 inches and an half.

18. That a duty of 11s. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Grand Eagle or Double Elephant, of the value of 4l. per ream and upwards, and not exceeding the dimensions of 26 inches and three quarters by 40 inches.

19. That a duty of 7s. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Colombier, of the value of 2l. 10s. per ream and upwards, and not exceeding the dimensions of 23 inches and an half by 34 inches and an half.

20. That a duty of 10s. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Atlas, of the value of 3l. per ream and upwards, and not exceeding the dimensions of 26 inches and a quarter by 34 inches.

21. That a duty of 6s. 6d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Atlas, of the value of 2l. per ream and upwards, and not exceeding the dimensions of 26 inches and a quarter by 34 inches.

22. That a duty of 5s. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Small Atlas, of the value of 1l. 10s. per ream and upwards, and not exceeding the dimensions of 25 inches by 31 inches.

23. That a duty of 4s. 9d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Imperial, of the value of [illegible]l. 10s. per ream and upwards, and not exceeding the dimensions of 22 inches by 30 inches and a quarter.

24. That a duty of 3s. 6d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Super Royal, of the value of 1l. 5s. per ream and upwards, and not exceeding the dimensions of 19 inches and a quarter by 27 inches and an half.

25. That a duty of 3s. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Long Royal, of the value of 1l. per ream and upwards,

wards, and not exceeding the dimenſions of 27 inches and an half by 18 inches.

26. That a duty of 7s. 6d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Royal, of the value of 18s. per ream and upwards, and not exceeding the dimenſions of 19 inches and a quarter by 24 inches.

27. That a duty of 1s. 9d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Demy, of the value of 13s. per ream and upwards, and not exceeding the dimenſions of 17 inches by 22 inches.

28. That a duty of 1s. 3d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Short Demy, or Crown, of the value of 9s. per ream and upwards, and not exceeding the dimenſions of 14 inches by 20 inches and a quarter, or of 15 inches by 20 inches.

29. That a duty of 2s. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Large Fan, of the value of 14s. per ream and upwards, and not exceeding the dimenſions of 23 inches and an half by 20 inches and an half.

30. That a duty of 1s. 6d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Small Fan, of the value of 11s. per ream and upwards, and not exceeding the dimenſions of 22 inches and a quarter, by 13 inches and a quarter.

31. That a duty of 2s. 3d. per ream be laid upon all paper made in Great Britain for writing or copper-plate printing, called Elephant, of the value of 15s. per ream and upwards, and not exceeding the dimenſions of 23 inches by 28 inches.

32. That a duty of [illegible]s. per ream be laid upon all paper made in Great Britain for Bank or Bankers' bills or notes, allowing two bills or notes in each ſheet, and ſo in proportion for a greater or leſs number of bills or notes in each ſheet.

33. That a duty of 5s. 6d. per bundle be laid upon all paper made in Great Britain for printing, called Double Demy, of the value of 1l. 18s. per bundle and upwards, and not exceeding the dimenſions of 26 inches by 38 inches and an half.

34. That a duty of 3s. 6d. per bundle be laid upon all paper made in Great Britain for printing called Royal, of the value of 1l. 4s. per bundle, and upwards, and not exceeding the dimenſions

menfions of 19 inches and an half by 24 inches and a quarter, or 20 inches by 26 inches.

35. That a duty of 2s. per bundle be laid upon all paper made in Great Britain for printing, called Royal Inferior, of the value of 14s. per bundle and upwards, and not exceeding the dimenfions of 19 inches and an half by 24 inches and a quarter.

36. That a duty of 2s. 9d. per bundle be laid upon all paper made in Great Britain for printing, called Medium, of the value of 1l. per bundle and upwards, and not exceeding the dimenfions of 18 inches by 23 inches.

37. That a duty of 2s. 6d. per bundle be laid upon all paper made in Great Britain for printing, called Demy Singles, of the value of 17s. per bundle and upwards, and not exceeding the dimenfions of 17 inches and an half by 22 inches, or of 19 inches by 20 inches and an half.

38. That a duty of 1s. 6d. per bundle be laid upon all paper made in Great Britain for printing, called Demy Inferior, of the value of 10s. per bundle and upwards, and not exceeding the dimenfions of 17 inches and an half by 22 inches.

39. That a duty of 2s. 4d. per bundle be laid upon all paper made in Great Britain for printing, called Double Crown, of the value of 17s. per bundle and upwards, and not exceeding the dimenfions of 20 inches by 30 inches.

40. That a duty of 1s. 9d. per bundle be laid upon all paper made in Great Britain for printing, called Double Crown Inferior, of the value of 12s. per bundle and upwards, and not exceeding the dimenfions of 20 inches by 30 inches.

41. That a duty of 2s. per bundle be laid upon all paper made in Great Britain for printing, called Single Crown, of the value of 13s. per bundle and upwards, and not exceeding the dimenfions of 15 inches by 20 inches.

42. That a duty of 1s. 3d. per bundle be laid upon all paper made in Great Britain for printing, called Single Crown Inferior, of the value of 8s. per bundle and upwards, and not exceeding the dimenfions of 15 inches by 20 inches.

43. That a duty of 1s. 3d. per bundle be laid upon all paper made in Great Britain for printing, called Demy Tiffue, of the value of 8s. per bundle and upwards, and not exceeding the dimenfions of 17 inches and an half by 22 inches.

44. That a duty of 10d. per bundle be laid upon all paper made in Great Britain for printing, called Crown Tiffue, of the value of 8s. per bundle and upwards, and not exceeding the dimenfions of 15 inches by 20 inches.

45. That a duty of 1s. 6d. per bundle be laid upon all paper made in Great Britain for printing, called Double Pott, of the value of 9s. per bundle and upwards, and not exceeding the dimensions of 17 inches by 25 inches and an half.

46. That a duty of 1s. 9d. per ream be laid upon all paper made in Great Britain, called cartridge, not exceeding the dimensions of 21 inches by 26 inches.

47. That a duty of 2s. per ream be laid upon all paper made in Great Britain, called Square Cartridge, not exceeding the dimensions of 24 inches and an half by 25 inches and an half.

48 That a duty of 1s. 6d per ream be laid upon all paper made in Great Britain, called Cartridge, not exceeding the dimensions of 19 inches and a quarter by 24 inches.

39 That a duty of 1s 3d per ream be laid upon all paper made in Great Britain, called Elephant Common, not exceeding the dimensions of 23 inches by 28 inches.

50. That a duty of 2s per ream be laid upon all paper made in Great Britain, called Sugar Blue, not exceeding the dimensions of 21 inches and an half by 33 inches

51 That a duty of 1s. 6d. per ream be laid upon all paper made in Great Britain, called Sugar Blue Smaller Size, not exceeding the dimensions of 18 inches and three quarters by 27 inches

52. That a duty of 1s. 3d. per ream be laid upon all paper made in Great Britain, called Sugar Blue Demy Size, not exceeding the dimensions of 17 inches and an half by 22 inches.

53. That a duty of 1s. 3d. per ream be laid upon all paper made in Great Britain, called Sugar Blue Crown Size, not exceeding the dimensions of 15 inches by 20 inches.

54. That a duty of 1s. per ream be laid upon all paper made in Great Britain, called Purple Royal, not exceeding the dimensions of 19 inches and an half by 24 inches and a quarter.

55. That a duty of 1s. 6d. per ream be laid upon all paper made in Great Britain, called Blue Elephant, not exceeding the dimensions of 23 inches by 28 inches.

56. That a duty of 2s. per bundle be laid upon all paper made in Great Britain, called Blue Royal, not exceeding the dimensions of 19 inches and an half by 24 inches and a quarter.

57. That a duty of 1s. 3d. per bundle be laid upon all paper made in Great Britain, called Blue Demy and Blossom, not exceeding the dimensions of 17 inches by 22 inches.

58. That a duty of 9d. per bundle be laid upon all paper

made in Great Britain, called Blue Crown Single, not exceeding the dimensions of 15 inches by 20 inches.

59. That a duty of 10d per ream be laid upon all whited brown paper made in Great Britain, called Royal Hand Thick, not exceeding the dimensions of 24 inches by 19 inches and a quarter.

60. That a duty of 1s. per bundle be laid upon all whited brown paper made in Great Britain, called Royal Hand, not exceeding the dimensions of 24 inches by 19 inches and a quarter.

61. That a duty of 1s. per bundle be laid upon all whited brown paper made in Great Breat Britain, called Lumber Hand, not exceeding the dimensions of 23 inches by 18 inches.

62. That a duty of 9d. per bundle be laid upon all whited brown paper made in Great Britain, called Double Two Pound, not exceeding the dimentions of 24 inches by 16 inches.

63. That a duty of 4d. per bundle be laid upon all whited brown paper made in Great Britain, called Single Two Pound, not exceeding the dimentions of 16 inches by 11 inches.

64. That a duty of 1s. 6d. per bundle be laid upon all whited brown paper made in Great Britain, called Middle Hand Double, not exceeding the dimentions of 33 inches by 21 inches.

65. That a duty of 9d. per bundle be laid upon all whited brown paper made in Great Britain, called Middle Hand, not exceeding the dimentions of 22 inches by 16 inches.

66. That a duty of [illegible]s. per bundle be laid upon all whited brown paper made in Great Britain, called Small Hand Double, not exceeding the dimentions of 32 inches by 20 inches.

67. That a duty of 6d per bundle be laid upon all whited brown paper made in Great Britain, called Small Hand, not exceeding the dimentions of 19 inches and three quarters by 16 inches.

68. That a duty of 4d. per bundle be laid upon all whited brown paper made in Great Britain, called Couples Pound and Half Pound, not exceeding the dimensions of 12 inches by 10 inches, and of 9 inches by 7 inches and a half.

69. That a duty of 1s. per ream be laid upon all brown paper made in Great Britain, called Imperial Cap, not exceeding the dimensions of 29 inches by 22 inches.

70. That a duty of 9d per ream be laid upon all brown

paper made in Great Britain, called Havon Cap, not exceeding the dimensions of 24 inches by 20 inches

71 That a duty of 8d per ream be laid upon all brown paper made in Great Britain, called Bag Cap, not exceeding the dimensions of 23 inches and an half by 19 inches.

72 That a duty of 6d per ream be laid upon all brown paper made in Great Britain called Kentish Cap, not exceeding the dimension of 21 inches by 18 inches

73 That a duty of 6d. per ream be laid upon all brown paper made in Great Britain, called Four Pounds, not exceeding the dimensions of 20 inches by 16 inches

74 That a duty of 4d per ream be laid upon all brown paper made in Great Britain, called Small Cap, not exceeding the dimensions of [illegible]o inches by 15 inches

75 That a duty of 1s per ream be laid upon all brown paper made in Great Britain, called Double Four Pound, not exceeding the dimensions of 33 inches by 20 inches

76 That a duty of 6d per bundle be laid upon all brown paper made in Great Britain, called Single Two Pound not exceeding the dimensions of 16 inches by 11 inches

77 That a duty of 4d per bundle be laid upon all brown paper made in Great Britain, called Couples Pound and Half Pound, not exceeding the dimensions of 12 inches by 10 inches, and of 9 inches by 7 inches and an half

78 That a duty of 4 6d per hundred weight be laid upon all Pasteboard, Millboard, Scaleboard and Glazed Paper, made in Great Britain, for clothiers and hot-pressers

79. That an additional duty or charge of 10l per centum be laid upon the produce and amount of the said several duties upon Paper, Millboard, Pasteboards, and Scaleboard

80 That the said duties upon Paper, Millboards, Pasteboards, and Scaleboards, made or imported into Great Britain, be applied to the same uses and purposes as the former duties upon Paper, Millboards, Pasteboard, and Scaleboard, were applicable

Ordered, That a Bill be brought in, upon the said Resolutions

March 20

No debate

March 21

The order of the day was read, for the commitment of the bill for excluding contractors from sitting in the House of Commons, except when their contracts are publicly disposed of to the best bidder On the question for the Speaker's leaving the chair

Lord

Lord *Beauchamp* rose, and opposed it. His Lordship began by observing, that though this bill had received the approbation of a former House of Commons, that circumstance could not preclude its being opposed in the present. Many different motives might have actuated gentlemen of the last Parliament, in the vote they gave on the subject of this bill, which did not now subsist, or ought not to operate. In the [illegible] of reformation, then prevalent, many important propositions were before the House, and the people very urgent in their complaints; perhaps it was judged right to embrace the smallest innovation proposed; or perhaps it was a piece of delicacy, not to dismiss in that House a bill, by which its own independency was professedly supported, but leave it to be rejected in the other. Whether these, or whatever other reasons induced the concurrence of the late House of Commons in this measure, the conduct of one Parliament ought not to govern any succeeding one.——The principle of the bill now before the House had never met his approbation, for it presupposed a degree of corruption and delinquency in the Government, as well as among individuals, which, without proper evidence, could not fairly be assumed. It was absurd to infer, from the corruption of a single contractor, that every man of the same description was incapable of serving his country with integrity. Why should government be precluded from intrusting the business of contracts to Members of Parliament, when perhaps among them might be found persons the best entitled to public confidence? Government should properly consider how essential it was that this department of office should be faithfully discharged. What great and irretrievable mischiefs might result from the incapacity or inability of a contractor? In the contract for remittances, for instance, and those for victualling our fleet and armies, how easily might negligence be the ruin of our forces? It was therefore incumbent on the Minister to give contracts only to persons of undoubted responsibility wherever they were to be found. His Lordship then entered into the structure of the bill, and [illegible] many objections, which, though they did not [illegible] to the principle of it, he thought might fairly be urged [illegible] commitment. First of all, more was contained in the bill than its title, and declared [illegible] warrant, for it excluded not only contractors themselves from the House, but all those who were employed or interested in the contract. Now this clause might by construction render many gentlemen ineligible, whose rights were not intended to be invaded, as most men of landed property had coal, copper, or timber, on their estates,

estates, all of which might be sold to contractors, and consequently involve the owner in the restriction of this bill.

But the proposed reformation would be as nugatory and unconstitutional as it was unlimited, for what could be easier than to evade its provisions, should contracts for the purpose of corruption be actually bestowed, by holding them in the names of others, and so deriving the emolument without the ineligibility here created? On all these grounds, he was against the bill's going to a Committee.

Sir G. Yonge. Sir *George Yonge* said, the noble Lord's strongest objections went rather to the clauses than the principle of the bill, and as they served to shew that the bill wanted amendment and was too loosely drawn, he could not but consider them as good reasons for suffering the bill to go into a committee, and in the committee, from what the noble Lord had said, he flattered himself they should have the noble Lord's assistance. He expatiated on the enormous growth of influence by the distribution of lucrative contracts, and said 100,000l. a year was thirty lost to the public.

Earl Nugent. Earl *Nugent* supported Lord Beauchamp, and argued strongly against the bill. He said the Commission of Accounts was the source of salvation to be looked up to, and not such bills as that under consideration. They never had, nor never would produce any good to the country.

As a proof of this he instanced the pension bill, brought in by Mr Pulteney merely to recover his popularity, when it was almost lost. That bill was declared at the time to be the great cleanser of that House, "to purge its gross humours and purify its blood." What had been the consequence? Let the gentlemen on the other side the House answer. They who were every day loud in declaring, that the House was more corrupt than ever He considered all attempts to disqualify men, and to exclude them from the fair enjoyment of hereditary rights, as exceedingly improper and unjustifiable. It was not consistent with the true spirit and principle of our constitution.—It was a mean, nibbling policy, extremely different from the broad and liberal basis of the ancient fabric of our liberties, but there was an itch for reformation prevalent in that House exceedingly reprehensible. In the censured notions bred out of this chimera, they snatched indiscriminately on every part of the constitution, and so that it bore the appearance or the name of reformation they were satisfied.

Mr. Powis. Mr. *Powis* attacked the noble Lord who began the debate on his mode of argument: his Lordship had, he said, reasoned against

against the commitment on the very ground which evinced its necessity, and had condemned it in one breath for being too efficient, and altogether nugatory. The noble Lord surely did not offer such arguments to convince the House, nor could he be convinced by them himself, but had suspended his true ones from some of those motives he had imputed to the last Parliament, either wishing to concede to the people by the most ineffectual reformation they desired, or to stop the progress of this bill in the upper House, as formerly.

Colonel *Onslow* made a humorous speech against the bill. Col. *Onslow*.
The Colonel not only disapproved of it on account of its being calculated to shut the doors of that House against the merchants in general, whom he thought one of the fittest descriptions of people to sit in it, but on the general idea of its introducing a spirit of innovation that might be carried to a dangerous excess. If this bill to exclude the merchants were passed, he should not wonder to see some other gentleman start up and propose to bring in a bill to exclude the military. As great a variety of arguments might be used in support of such a proposal, as could be advanced in support of the present bill. We should then hear violent harangues about the danger and the impropriety of red coats. And then at a future day, a third gentleman would be encouraged to rise and propose the exclusion of every naval officer, then we must have no blue coats, and after that a fourth might attempt to do the same with the lawyers, and then we must have no black coats and great wigs, and to make that house again a *Parliamentum indoctum*, an unlearned Parliament. Gentlemen might reason upon the latter position thus:—— "These lawyers come here merely to get preferment, to be made Attornies and Solicitors General, Judges, and Chief Justices. Nay, sooner than miss the latter object, a lawyer will content to be a Chief Justice in air. They only puzzle us country gentlemen. Three or four of them get up, and make speeches of three or four hours long each, till we are so bewildered that we can scarcely tell white from black. Let's out with them, and then we shall be the better able to understand one another." The Colonel said, there would be no end to projects and alterations if the present proposal was adopted. He had other reasons also for opposing it. In the first place, he had rather at any time sit down with a gentleman than with his footman. If the bill passed, all the respecable and wealthy men would stay out of Parliament, and they would send their servants and dependents to that House. In

fact,

fact, if the Minister chose to practice corruption, it would be done in a much more underhand manner. Now every person knew who the contractor was, if the bill passed, the contract would go through so many hands, a great deal more of the public money would be wasted, if gentlemen, however, were violently bent on purifying that House and reforming it, let them begin with turning out all those members that were sent there by Dukes, and Marquises, and Earls, we heard in that House of the Duke's man, and the Earl's man, and the Nabob's man,—men who recommended themselves solely by their orators, who combined together in gangs, and getting a lawyer at their head, were sufficiently formidable to do mischief, and impede the operations of government. The Colonel added likewise, that he objected to the bill, because it went to take away a legal right from the *elected*, and he should object to the bill, that he understood was to be next taken into consideration, because that was designed to take away legal rights from the *electors*.

Sir P. J. Clerke.

Sir *P. J. Clerke* now rose to defend his bill against those various attacks. He pointed out the pernicious tendency of contracts to the independency of the House, and called them more dangerous means of influence than any others in the hands of government. He alluded particularly to the favours conferred upon Mess. Muir and Atkinson, the latter of whom he observed was stated in the list of the subscribers to the loan to have only 200,000l. but all these dependents and connections appeared at the same time considerable subscribers. Similar to this was the case of an eminent banker, whose subscription was given at 60,000l. while every clerk in his house had astonishing large sums to the amount altogether of more than 300,000l.

He animadverted with forcible reasoning on what had been advanced in objection to the bill, and particularly on the arguments advanced by the noble lord who begun the opposition to it. It was rather singular, that after so long a time, such argument should be resorted to, as those advanced by the noble lord. It was a strange discovery, that the members of that House were to be prevented by the bill from selling to government the produce of their estates. No such idea had ever entered into his head: but if a member of that House went into the closet of a first lord of the treasury, and there made a secret bargain, by which he received three times the sum for his timber, his iron, or his copper, that it was worth, the bill interfered and discharged that member from his seat in that House, because it was evident that he had an

interest

interest in maintaining the war in which we are so unfortunately engaged, and that his interest and those of his constituents were different. He ridiculed the affected terrors of the noble lord and honourable gentleman about innovation and incroachment. To be sure the fabric of the constitution would receive a dreadful shock by the exclusion of contractors. They were a set of men for whom the constitution ought to entertain the greatest reverence. He begged leave to make an honourable distinction between the fair and respectable merchant, who made his contracts at a public bidding, and executed them in an open, responsible manner, and the man who made parliamentary interest the ladder to preference, and who was protected in every peculation for the same cause. He wished to see merchants in that House: he considered them as the most respectable men, when they came there independent, with the virtuous intention of guarding the commercial welfare of the kingdom. But it could be no hardship upon them to be told by an act, that if they preferred a secret to an open contract, they must give up their hereditary eligibility of sitting in that House. They knew the terms, and it was a voluntary surrender of their right on their own part, not a violent disfranchisement by Parliament. The argument also, that the bill would be injurious to the public service, because many contracts would require to be made in private: this was idle and silly: it did not prevent government from making private contracts, it only directed them, when they made such contracts, to seek for merchants who were not members of Parliament, and it was a libel upon that body of men, to say that there were not a sufficient number of men properly qualified to execute the contracts of government out of that House. It was equally puerile to say, that there would be danger in giving the contract at all times to the lowest bidder. There was no such provision in the act. It left a degree of discretion in government, sufficient to guard against the evil of intrusting contracts to needy adventurers. The best bidder was not always the lowest bidder, and government by this bill would still be left in the exercise of their judgment, to give the preference where it was most justly due, and for which they would be responsible if called into question. Upon the whole, there was not an argument advanced against the principle of the bill, though several had been urged that strongly inculcated the necessity of sending it to the committee.

Mr. *Rosewarne* began with observing, that as this bill had been repeatedly the topic of parliamentary discussion, he did *Mr. Rosewarne.*

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not rise with any hopes of throwing new light on a subject, which must be considered as nearly exhausted; and yet, as a new member of a new Parliament, he could not content himself with giving a silent vote on so important a subject; and as, from his situation, he never could possibly be a contractor, he felt himself more at ease in speaking his mind on this occasion. He then observed, that an honourable gentleman had said he by no means wished to exclude merchants, who had a seat in that House, from executing contracts, and that the bill would not prevent them; it only prevented their doing it improperly. Undoubtedly there was a salvo in the bill, that merchants may have contracts, provided it is at a public bidding; but gentlemen must know it was impossible to treat for those things at a public bidding; the consequence would be, that a number of persons, no ways responsible, would attend, and beat down the prices of all commodities infinitely below the standard; and if such persons were the contractors, they would not be able to execute them, and the consquence would be, our fleets and armies would be either starved or poisoned. He then said he had heard no answer was attempted to be given to an objection made by an honourable member, which appeared to him unanswerable: to wit, that the bill was nugatory in itself. He begged leave to pursue the argument a little farther. If ministers were really those corrupt creatures the other side of the House painted them to be, and members were equally willing to be corrupted, would this bill prevent it? Exactly the contrary, it would produce a dark, vile, secret corruption, tenfold worse than that which was pretended to exist at present; and, instead of having men in responsible situations, amenable to the justice of Parliament, they would have none for contractors but such as would be totally incapable of performing their contracts, and perhaps, when called on to answer for their conduct, they would not be to be found. But did gentlemen really think it was a necessary consequence of a member having a contract, that in holding a place under government, he was thereby induced to support government on all occasions, even in case a minister was to attempt to destroy the liberties and constitution of the country? From whence did they draw this conclusion? Was it from their own feelings? No; he would not do them that injustice; they did not really think it themselves. It was the common-place language of every opposition, and increased in violence in proportion to the length of time a minister continued in office, and therefore it was not to be wondered at, that it operated so strongly at present. But if a

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minister was ever to be hardy enough to attempt to make the experiment, and introduce a bill into the House really hostile to liberty and our excellent constitution, he did not doubt but he would be as firmly and determinedly opposed by a great majority of gentlemen on that side the House, as by any of the contract opponents of gentlemen on the other. That on the whole, there did not appear to be either policy or justice in the formation of the bill, and that he certainly should vote against it. He then reminded the House, that in a former debate he had mentioned his very peculiar situation, and that in the midst of the clamours for the reduction of salaries, his own had been considerably increased; that his enemies had dared to represent it as a vile election job, a secret bargain with the treasury, so that what he had considered as the greatest honour of his life, had been through the malice of his enemies endeavoured to be wrested to the ruin of a character, he spoke in the hearing of many of his countrymen, which was before wholly irreproachable. He added that he had called on the noble lord in the blue ribbon to justify him from this infamous, false, scandalous aspersion; but the noble lord not speaking in the course of the debate, had not answered his call; he could not therefore rest satisfied. He called now solemnly on the noble lord to declare, on his honour, if there was the least shadow of truth or foundation for the vile report. If the noble lord hesitated to do him justice, he would certainly do justice to himself, by instantly resigning the office, and paying into the public treasury every farthing he had received in consequence of the additional salary, and then he should at least have the consolation of knowing that he had served his country to the utmost of his abilities, and that his services had been rewarded with the approbation of his countrymen, which he should ever esteem a very great reward. His colleague was not in the House on the former occasion. Let him now declare what he knew of the matter, and whether his conduct on the occasion was not grounded on principles of honour and virtue. He begged pardon of the House, but he could not rest satisfied, till this matter was fully explained.

Lord *North* apologized to Mr. Rosewarne for not having attended to his appeal to him a few days since, called on in the solemn manner that he had been called upon, he felt it incumbent on him to do justice to the honourable gentleman's character, but imagining he should have had occasion to rise in the course of the day, he had waited for an opportunity; the debate, however, taking a new turn, and getting into ex- Lord North.

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treme length, it so happened, that no occasion had offered. Undoubtedly the honourable gentleman had a right to expect that he should do him justice in assisting to clear his character from those calumnies and aspersions which some persons who were his enemies, and did not know him, had ventured to throw out, that assistance he was extremely ready to give. The honourable gentleman held the office of vice warden of the stannaries of the dutchy of Cornwall, and two years ago the lord warden presented a petition to the treasury, signed by almost every nobleman and gentleman in the county of Cornwall, stating, that the vice warden's duty was extremely laborious, that the honourable gentleman discharged it with great ability, great fidelity, and very much to his honour, and that he was extremely ill paid for his trouble. As this petition had the most respectable list of subscribers names annexed to it, that perhaps were ever put upon paper, and as it spoke of the honourable gentleman in terms of the highest respect, the treasury immediately instituted an enquiry and found every allegation of the petition true, it appeared on examination, that the duty of the vice warden was very laborious indeed, the honourable gentleman having sometimes 80 or 90 causes to try in a year, some of which took up two or three days hearing, and for which the honourable gentleman received a salary by no means adequate. Upon this ground it was, and he did assure the House upon no other, that the honourable gentleman's salary was augmented. With regard to the addition's having been granted by way of election job, nothing could be further from the truth than such an insinuation. He had never seen the honourable gentleman but once before he became a member of that House, and so little did he know of his having any interest in a borough, he really could not have told, previous to his election, in what part of the county of Cornwall his interest lay. His lordship added, that Mr. Rosewarne's return for Truro, was first announced to him by the public newspapers, and he could with the greatest confidence assert, that the augmentation of his salary, as vice warden of the stannaries, was promised long since, in consequence of the petition he had mentioned, that it was settled previous to the dissolution of the last Parliament, and that it had not the smallest reference to election matter, in any one shape whatever.

His lordship now said a few words on the question before the House. It was absurd to imagine, he observed, that if contracts were publicly disposed of, the highest bidder would be the most responsible person: on the contrary, it was the

adventurer only who would contract on hazardous terms, while the monied man, able to employ his property in other channels, would require an adequate advantage for serving the public. Where the trust was consequential therefore, it was requisite to give a discretionary power for lodging it in safe hands.

Mr. *B. Gascoyne* and Mr. *T. Townshend* now rose together. *Mr. B. Gascoyne.* A dispute arose about the precedence, but Mr. Rosewarne having previously called upon the former, Mr. Townshend readily declined in his favour. Mr. Gascoyne said, had he not been called upon by the honourable gentleman to explain a transaction in which he was particularly concerned, he should readily have given way to one who had the faculty of speaking every day and upon every question, but he could not forbear offering his confirmation to what had fallen from the noble lord relative to the borough of Truro, which he had the honour to represent. He said, he thought it due to Mr. Rosewarne to declare, that previous to the general election, his acquaintance with that gentleman was but slight, he believed he had only once dined with him, and had sent him a few franks. That his being elected for Truro, through his interest, had surprized him very much, when the news of it reached him at Liverpool, where he was attending the election of a near relation, and that the civility arose merely from the friendship of the honourable gentleman, (which he hoped to live and die in the possession of) and from no election manœuvres. He said he knew nothing of any intention that there was to elect him for Truro till the news of it arrived, and he never was so much surprized in his life. Mr. Gascoyne said, farther, that both in Cornwall, and elsewhere, whenever he had heard his honourable colleague's name mentioned, it had always been accompanied with expressions of respect, honour, and esteem.

Mr. *Townshend* rose again, and attacked the three last speakers with great vivacity, and in the most facetious vein of keen satire. *Mr. Townshend.* The honourable gentleman who spoke last was certainly very right to express his gratitude for so singular a favour from the electors of Truro, as returning him to Parliament. He did not wonder the honourable gentleman was surprised on the occasion. I confess, says Mr. Townshend, it surprised me as much as it did the honourable gentleman himself—to be sure it would have astonished any man. How this matter of Truro had crept into the debate was a little strange, but he could not help saying a word or two on the mode of exculpation the honourable gentleman under the gallery had chosen

chosen to adopt. He is slandered (said Mr. Townshend) in some newspaper, and brings forward in his hand insinuations against himself, which, but for him, we never should have heard of.——He is accused, it seems, of being corrupted; and who so proper to refute the charge as the person who is supposed to have corrupted him? He calls then on the noble lord, and bids him avow himself his corrupter if he dares. The noble lord, however, is silent to the invocation, and so no doubt had been to the second, if it had not been attended with a threat too alarming to be disregarded.——I will refund my salary, says the honourable gentleman, if you don't clear up my reputation! The noble lord is immediately alarmed! He shudders at the thought of any money going back to the public; and to prevent so dangerous a precedent, instantly complies with the honourable gentleman's desire. And now what is the noble lord's state of the transaction?—Why a warden of the stannaries, possessing a lucrative sinecure place, modestly comes to the first lord of the treasury, as guardian of the principality of Cornwall, and says, my deputy has a very poor salary, and a great deal to do, pray give him something more! The noble lord complies, and thinks he discharges his duty by augmenting the vice warden's income to five that of his principal! Who then can suppose any thing like corruption in so equitable a transaction? Mr. Townshend made some more smart attacks upon the premier and Mr. Gascoigne, and then applied to the question, particularly to Lord Nugent, with great success.

Colonel *Hartley*. Colonel *Hartley* spoke in favour of the bill, and maintained the propriety of restraining the government in the making of contracts, the extravagance and the corruption of their transactions in this particular had been long the subject of complaint and grievance.

Sir *William Dolben*. Sir *William Dolben* also gave it his concurrence.

On a division the numbers were

For the commitment 100. Against it 120.

The commitment was then put off for six months.

The order of the day was then read, for the second reading of Mr. Crewe's bill, to restrain revenue officers from voting at elections of members to serve in that House. The gallery was shut against strangers during the greater part of the debate, by which we are prevented from entering so particularly into detail as we could wish.

Earl *Nugent*. Earl *Nugent* opposed it on the same ground that he had the contractors' bill—that these innovations were extremely dan-

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gerous and nugatory. He was an enemy to disqualifications of every sort, and had never been in the opinion that they could answer any salutary purpose, either by purifying that House, or rendering the constituent body less corrupt. He had said that Mr. Pulteney's place bill, which was a scheme more likely in theory to produce salutary consequences than any of these chimerical notions, had yet proved a mere chimera. It had done nothing if we believe the daily assertions of gentlemen on the other side of the House, that we were more corrupt than ever, and that the influence of the crown had encreased, and was increasing. He declared that he did not think it justifiable in that House to disqualify a great body of their constituents, merely because they were useful and necessary servants of the crown, and valuable members of society. It was an illiberal sentiment to believe, that because they received a small emolument for their services, that therefore they were to prostitute their franchises, and give up their opinion to the disposal of others.

Right honourable *T. Townshend* warmly supported the bill, Rt Hon. T. Townshend.
and reprobated the vague ideas of the noble lord, that there was either cruelty or injustice in taking from excisemen their right of voting at elections. It was a disfranchisement only upon certain conditions, and which conditions were fairly pointed out and specified. If the freeholder of any county, or the burgess of any corporation, chose to accept it under the condition of surrendering, while he held it, his franchise of voting. It was therefore a matter of election, and depended totally on himself. If he considered his franchise superior in value to the office, he would reject the one and prefer the other. In short, being a matter of choice, a mere condition annexed to a valuable consideration, it could not be either unjust or severe. On the contrary, he said it would be a kindness to excisemen to take from them this painful franchise, in the unstrained exercise of which they were obliged to sacrifice friendship often, and opinion almost always. He mentioned several instances of severity in this particular, and several boroughs, where the independent interest had been totally overborne by this undue influence of the crown. He knew boroughs, where, by the overbearing influence of excise officers, government had it in their power to place what gentlemen they pleased, without consulting the inclinations of the electors, or even taking the decent trouble of informing them who it was that they meant to impose upon them. By this means it frequently happened that so

far

far from giving a preference to the court candidate, from their opinion of his abilities, his integrity, or his zeal for their interests, they knew not even his person, and never heard of his name till it was declared from the hustings. Nay, to such a length was this system of domination and slavery carried, that even the candidates themselves were unacquainted with one another, and when they met upon the hustings, or afterwards by accident (for it seldom happened in such boroughs that the candidates took the pains to appear in the town at the election) they would accost one another with a sort of distant civility. "Sir, your name——You have the "advantage of me," and so forth. All this unaccountable and slavish system, however, must be maintained, because innovation is dangerous. Whatever errors intrude into the ancient simplicity of our constitution must be cherished because the skill of the physician may be fatal. Such arguments were too idle to bear a moment's reflection. This evil ought to be remedied. It advanced to an enormous weight of influence, and the disgraceful consequences of it brought obloquy on that House as well as ruin on the country. He mentioned one borough in particular, where the hereditary interest of an ancient family—an interest created by neighbourhood, and the exercise of every amiable virtue, had been totally overthrown by this corrupt power, and where the electors, with tears in their eyes, and with heavy hearts, were compelled to abandon their patron and their friend, to vote for a stranger, that they might preserve their places. A number of instances of a similar nature might be produced sufficient to convince the House that it would be kindness and not cruelty to relieve them from this disagreeable right.

Mr. Perceval.

Mr. *Percival* spoke against the bill, as tending to deprive a great and respectable number of the electors of this kingdom of their ancient and inherent franchise. He disapproved of all those plans of reformation. He said that in all those modern systems of reform, it seemed to be their design to give the right of voting to those who had it not, and to take it from those who had. Admit the propriety of this disqualifying bill, and the same arguments would go against any description of men in the kingdom.

Mr. Crespigny.

Mr. *Crespigny* mentioned an instance of a whole body of excisemen resisting bribes and menaces, when thrown out by government to induce them to vote for a man of whom they disapproved. These were his constituents, and he had therefore a right to say that they were not dangerous possessors of the right.

Mr.

Mr. Rolle supported the principle of the bill as a very just and necessary measure of reform, by which the freedom of election would in a great measure be restored. In his own canvass for Devonshire, he had met with many instances of the cruel bondage in which the excise officers were held, and one in particular, which struck him very forcibly. A person who was an intimate and particular friend of his own, was compelled to vote for the other candidate, after having given him his assurance of voting for him, in consequence of a peremptory injunction, accompanied with a menace, that if he did not, he would be turned out of his office; his friend shewed him the letter, and appealed to him for his advice; he was himself determined to vote for him at all hazards, but Mr. Rolle said, he insisted upon it that he should not be the means of depriving him and his family of support, and insisted on his voting on the other side. Mr. Rolle.

Lord *John Cavendish* ably contended for the propriety of the bill, the compassion, and also for the necessity. He said, that this gentle, easy, and practicable reform, was absolutely necessary, for things could not go on as they were; the people would be taught by misfortune first to despise, and afterwards to resist the legislative power. Lord John Cavendish.

On a division, the numbers were, ayes, 86; noes, 133.

A motion was then made to adjourn the second reading for six months. Agreed to.

March 22.

Mr. *Minchin* said, he could not decline bringing the present state of the navy before the House, because delicate people might fear it would prove dangerous to our future operations; he thought there was no ground for such fear. He considered that the greatness, commerce, and trade of this country, entirely depended upon her navy, not even such a navy as would defend her coasts, or such as might stand a comparison with any other foreign power, but a marine force superior to that of the whole House of Bourbon. When the naval superiority of this country came to be seriously disputed with us, it was time to look about and to be alarmed, and make the most vigorous and spirited exertions in order to turn the balance in our favour. Mr. Minchin.

He ought perhaps to apologize for venturing on this important enquiry; but as nobody else had treated of it that session, he thought it highly necessary that something should be said upon it. Gentlemen might possibly imagine that none but professional men were competent to treat upon maritime

affairs; but as what he should say, however, was chiefly upon accounts, and plain facts, which every man, from the evidence of his senses, could with ease make himself master of, although he might not be able to describe the different parts of a ship, or treat of its navigation in technical terms, he should proceed, not doubting but he should make himself understood by the House in general. It is agreed on all hands, the navy of Great Britain, on which the very existence of this country depends, and which had lately been the sovereign of the ocean, was now so mutilated and depressed, that that sovereignty was lost and overthrown without a struggle, even without striking a blow. This was a circumstance, he said, which he believed would not admit of much dispute. We had, it was true, beaten the Spaniards last winter twelvemonth. We had triumphed over the Dutch, and were superior to our enemies in the West Indies, but that was but a partial superiority; a superiority liable every day to be wrested from us. France had been, and might shortly be again superior to us in those seas; but the circumstance which filled him with equal grief and astonishment was, that we had been inferior at home in the channel and the bay, in each of which places we had been obliged to fly from a superior and flying enemy. The fact was notorious, in our own channel, in view of our own coasts. It was no less so last winter. Here he did not speak from common hearsay or report. The first lord of the admiralty acknowledged that Admiral Darby had but 17 men of war of the line under his command when the advanced frigates got sight of the French, consisting of 38, if not 44.

It was, he believed, unusual with that noble lord to represent the force he sent out to be less than it really was; nevertheless he believed, upon good information, that to be the case in the present instance; for he was well informed that Mr. Darby, on the 1st of December, when the French were first seen, had 19, and on the 6th of December, when he saw the enemy the second time, 20 men of war of the line under his command. But what was 19 or 20, when opposed to 38 or 44? Nothing. Therefore, when he considered that this empire, formerly deemed the sovereign of the sea, had lost that title without striking a blow, he could not suffer any consciousness of his own inability to do justice to the subject, to prevent him from bringing it under consideration. The navy had been managed in a manner so unaccountably impotent and extravagant, that something must be done.

We

We could not go on in the same wild and wanton track, without system; without œconomy, without exertion, and without success.

He trusted that this would be but the first of a series of enquiries, from which such wholesome reformations might be made, as might tend to the great, permanent benefit of the state. He wished to arrange the topics of consideration under different heads, that the House might have them in their order more distinctly. The first object therefore to which he wished to lead them, was to a subject of account. And gentlemen, though they did not belong to the navy, they were still capable of examining the state and condition of our dock-yards; they would be able to judge, from observation, of the number of our fleet, and to compare it with the sums that had been voted for the purpose of raising and maintaining that fleet; they would be able to judge of the activity, or the indolence of our naval exertions; to compare what was done to what was promised, and what was necessary. All this he conceived men who had not made the profession their peculiar study might be able to do. And another duty, as members of that House, and representatives of the people, they might be able, and they ought to perform; and that was, to enquire into the expenditure of the money which they granted for the navy with so liberal a hand, and to demand a distinct and satisfactory account of its application. This was the first topic. During the late peace from 1762 for a series of years upwards the buildings, rebuildings, &c. had never exceeded 400,000l. but for several years past they had amounted to upwards of 600,000l. In the former period we had built 5 ships of war at an average annually, and in the present period of war not more than three ships, though our navy debt is upwards of ten millions. The reason is evident. Sums of money had been granted year after year, for the purpose of building and repairing the ships of war, and estimates were given in to the House, on which the money was granted; but there were no checks, no vouchers of the application of that money, and Parliament did not know that it was employed as directed. No accounts whatever were laid before the House, to show that that money had been fairly and fully expended in the service for which it was voted; but on the contrary, there were circumstances of proof on the annual estimates that the money was not applied, that the commissioners of the admiralty did not keep their promise with the public, and that ships remained from year

to year unfinifhed, demanding and receiving large fums, of which no account whatever was given. He could produce inftances in fupport of this affertion. There were many fhips in the feveral dockyards under this predicament which he could enumerate to the Houfe, if he was not afraid of intruding on their patience. One of them only he would mention, and this was the Narciffus, a floop building in Plymouth dockyard. In the eftimate for 1777, the fum of 3000l. was required for completing the Narciffus; and in a note added to the article it was declared, that fhe would be finifhed in the month of May of that year. In the year 1778, fo far from being finifhed, fhe wants more than fhe did before, and 40⁻ol. is given to complete her. In the year 1779 the Narciffus ftill ftands on the ftocks, all the former money is gone, either applied, mifapplied, or not applied, and a ftill larger fum is yet wanted to give her the finifhing ftroke. 5000l. is now granted, and ftill fhe is promifed to be finifhed. Another year comes, however, and brings with it, as ufual, the Narciffus; 5040l. are now given, and not a ftroke has been given to her from that time to this. This was a fingle inftance, out of the many, that appeared upon the eftimates, of the conduct of the commiffioners in this refpect. Perhaps it would be faid, that though the money was voted for the fpecific purpofe of repairing certain fhips, yet the money might have been applied to other purpofes more immediately neceffary to the fervice, and which were not forefeen at the time that the eftimates were laid before the Houfe. This was the pretext, he knew, which had always been given for this irregular proceeding, but, in his opinion, it was not an exculpation, though it was an excufe. An account fhould be given to the Houfe of the application of that money. It fhould be fpecified and proved how it was expended, that the Houfe might have the fatisfaction of knowing that it was not improperly wafted; that it was not put into the pocket of the firft lord of the admiralty, or that it was not, like old ftores and fhipping, fold for his benefit. He wifhed to fee the practice in this cafe corrected, and for this purpofe he meant to move for leave to bring in a bill, by which he trufted a plan would be eftablifhed more fimple in its nature, and lefs liable to abufe. The principle of it was to provide that the commiffioners in the feveral yards fhould be called upon to give an account upon oath of the fum of money that would be wanted for the feveral repairs and buildings to be undertaken in the year, and that fuch eftimates fhould be laid

laid before the House on their meeting, in order that a sum, *in toto*, should be granted for the whole of the navy service; and that this sum should be more than the estimates given; but for all the application the commissioners should be obliged to account. This would simplify the expence, and would take away the suspicions which lay against the commissioners in the present practice of the board. This was all that he would trouble the House with on the subject of accounts. There were two assertions that had been made, both of which he should venture flatly to deny, and these were, that the navy of England could only be encreased to a certain point, and that it had reached that point already. He was aware, that these assertions were founded on an idea, that after the navy was encreased to the degree that our navy was encreased at present, neither more ships, nor more men, were to be procured. This he was as ready to contradict, as he was to deny the other; and for the best reason in the world, because he was convinced that both ships and men might be had, if the proper exertions were made by the board of admiralty, and discipline was restored to the navy. It was, he said, with singular pleasure, that he had lately heard a motion from a noble Lord, for an increase of the number of marines. That was a certain way to get sailors. Let any gentleman move to vote for 20,000 more marines, and he would second the motion. The marines were the corps, which, if properly encouraged, would prove most valuable nurseries for our seamen, a never failing source that could not be sufficiently cherished. One great cause of the deficiency of the number of our seamen was the desertion, which, according to the papers on the table far exceeded any thing of the kind last war; by those papers it appeared that 1200 had been killed, about 18000 sick and prisoners, and upwards of 40,000 had deserted. This must be cured by some means or other, or it would be impossible to have such a navy as could diminish, at least, if not destroy the marine of France; for a noble lord had well urged in a former debate, *delenda est Carthago:* undoubtedly the marine of France must be destroyed; for if we made peace without having effected that most desireable purpose, it would be the peace of an hour only, and the next, we should find ourselves in a much worse situation, if possible, than we were in at present, or than we were likely to be soon put in by a continuance of this mad, ruinous, and runaway war.

'He complained of the slow manner in which the men worked in the King's yards. He said, there were more shipwrights employed in Deptford dock-yard, than in all the private ship-builders yards upon the Thames put together, and reckoned in the aggregate; and yet it was notorious, that in Deptford yard the rule was, to build one ship of war and two frigates in a twelvemonth, whereas the private ship-builders, notwithstanding the quantity of business which they did for the India company, for individuals who fitted out privateers, letters of marque, &c. and for the merchants, built for government eleven ships of war, besides frigates and lesser vessels, in the same time. This was owing to the total want of discipline in the King's yards, and to an idea, which though he knew it was a received maxim in ship-building, he could not but controvert, viz. the idea that the longer a ship continued in her frame, with her sides uncovered, the better, and the more durable the ship would be when finished. Tender as the ground was upon which he was treading, he, nevertheless, would venture to step firmly, and to assure the House, that he had the evidence of his senses to support him in his assertion. There were, at this time, two ships which had cost the public very large sums indeed, that had remained in their frames till the timbers absolutely became rotten, and were forced to be taken out of them; he meant the Royal Sovereign, at Plymouth, and the Warrior, at Portsmouth. The former was so bad from decay, that even her keel was forced to be taken away, and a new one put in its stead. These two ships then were proofs of the truth of what we asserted, and might serve as a stimulus to covering in ships of war sooner, by which means they would be got ready for sea much more expeditiously, and the country be served more effectually.

He might adduce many other instances of a similar nature, but he mentioned those only to shew, that the system of continuing ships so long on the frame, and afterwards so long on the stocks, answered none of the ends which had been so pompously held forth; he should therefore wish that the ships were run up on the spur of the occasion, in order that a sudden force might be produced: and he was convinced that the more expeditious method which the French had of compleating their ships was infinitely more proper and useful. He had conversed with some of the most experienced shipwrights in England on the subject, and he was enabled to say, on their judgments, that after a ship had stood in the frame through the changes

changes of the wet and dry seasons, that is, for a year, the longer she stood after that time, she received more injury than benefit. He complained very much of the negligence of government in this essential part of the service. It was common for the men to leave work at half past eleven to go to dinner, and not return to work again till three in the afternoon. He saw instances of this in the month of October last. This want of discipline was the very worst of our calamities; it had been the means of that strange and uncommon increase of desertion, arising from the impolicy of our impress laws, that had taken place in the course of this war.

He then proposed to the House two motions, the first was, "That leave be given to bring in a bill for the better and more effectual making up and laying before Parliament the accounts of the sums expended for building, rebuilding, and repairs of his Majesty's ships of war in his Majesty's dock-yards and other dock-yards in Great-Britain."

This motion he intended to follow with another, "That there be laid before this House an account of the number of shipwrights employed in the dock-yards of Deptford, Woolwich, Chatham, Sheerness, Portsmouth, Plymouth, Deal, and Harwich, on the 1st of January, with the names of the several officers in each yard." The second motion, he was free to confess was a leading motion, and if agreed to, would be followed with an enquiry.

Sir *George Yonge* seconded the motion, and said his honourable friend had his thanks for having called the attention of the House to a matter of so much real importance. The manner in which the navy estimates were presented to that House called loudly for some regulation. As the estimates were now managed, it was impossible for any person to know how much we were spending, or how much longer we could support the war. It would perhaps amaze the House, but we were expending upon our navy 50,000l. a day, a sum infinitely, he supposed, beyond what any gentleman could have imagined. With regard to what his honourable friend had said relative to the slowness with which our ships of war were built, it certainly was greatly to be lamented, and it ought to be avoided. France, it was obvious, avoided it, for there was one remarkable instance that had come to his knowledge, and he would mention it: and that was, the *Ville de Paris*, which, as the honourable admiral who sat behind him [Admiral Keppel] well knew, was so crippled and hulled, in the action of the 27th of July, that she was with difficul- Sir George Yonge.

ty towed into port and there obliged to undergo a thorough repair; nay, her very keel was taken out, and a new one put in; so that she was almost entirely new, when the workmen had done with her; and yet this very *Ville de Paris* that went into dock a shattered, and almost totally ruined *ninety gun* ship in the beginning of August, was turned out of dock in the April following an almost complete new *hundred gun* man of war. This shewed, that the French could get their ships to sea much faster than we did in general, and therefore any measure that tended to give dispatch to the service of the navy was, he thought, well entitled to the attention of that House.

Sir Charles Bunbury

Sir *Charles Bunbury* made a very long and able speech on the subject of the navy in general, and every thing connected with it. Sir Charles said he could not rise to speak on so interesting a subject without returning his thanks to the honourable gentleman who had brought it on, and thereby rescued the House from the imputations it had lain under in the minds of the dispassionate and reflecting, for having on the day of the naval estimates neglected the important consideration of the fleet of England, in order to enter into a discussion of what had been sufficiently discussed before, and in full as proper a place; the unfortunate conduct of a much censured though highly rewarded vice-admiral. An imputation which the Parliament of Great Britain never could have incurred, had it not been led away by that violent spirit of party, which, at the same time that it inflames the passions of the weak, perverts the reason of the wise, that baneful and malignant spirit which preys upon the vitals of this enfeebled country, which damps its ardour, which cripples its exertions, and which threatens its destruction, even more than the combined force of its formidable adversaries, by proscribing from its service, at this hour of difficulty and peril, the ablest and most distinguished of its citizens. Sir Charles then went into a detail of our situation, and said he was astonished at having heard a right honourable gentleman some time ago boast that we had 300,000 men in arms, which was more than Louis XIV. had. Instead of this he would have done better to have referred the House to the example of Louis XVI. who was wisely using every means in his power to render his marine respectable and powerful. That example was worthy of our imitation; the safety of Great Britain depended not on soldiers, it depended on another description of men; it was from an encrease of our marine alone that we could

found

found any reaſonable hope of putting an honourable end to the war. That Parliament had given money from time to time for the ſervice of the navy with a liberal, nay, with a laviſh hand, was a circumſtance too well known to be diſputed. How far the admiralty had done its duty, what degree of alacrity and diligence they had ſhewn in their conduct, were facts to be aſcertained from an examination of the ſtate of our navy, and a compariſon of the number of ſhips built now, in the courſe of every year, with the number of ſhips built in the courſe of every year laſt war. When he conſidered that the ſums voted for the navy ſervice this war, exceeded, by one fourth, the ſums voted for the ſame ſervice laſt war, and when the fact ſtared him in the face, that we built only three ſhips a year now, whereas we had formerly built five, he could not compliment the admiralty on their exertions, he could not praiſe their diligence. He obſerved that faſhion, which governed every thing without doors, had found its way within thoſe walls; and as in higher and gayer aſſemblies, ſhe had ſhewn her influence by the new modelling of a cap or a buckle, ſo in that graver aſſembly had ſhe manifeſted her power by the introduction of peculiar words and favourite maxims which flouriſhed for a while, and then ſunk into oblivion. The favourite maxim of former years would not only be long remembered by the intelligent and reflecting gentlemen around him, but would never be forgotten by the moſt thoughtleſs and giddy of Engliſhmen. The noble lord in the blue ribbon had been graciouſly pleaſed to improve their frail memories by acts of Parliament; every thing they eat, every thing they drank, every thing they wore, every thing they talked of reminded them of it. The maxim he alluded to was—America muſt be reduced to unconditional ſubmiſſion. The preſent ſeſſion was uſhered in with more favourable auſpices, by the propoſition of a larger number of ſeamen; and inſtead of a boaſted augmentation of our enormous army, as in former years, a modeſt reduction of it. By the introduction of another war maxim, which had been echoed and re-echoed through the Houſe, and ſeemed to meet, as he truſted it did, with general approbation, namely, that the marine of the Houſe of Bourbon muſt be deſtroyed. If then the deſtruction of the marine of our enemies was the great object we were to purſue, and the only means of attaining what we all moſt ardently wiſhed for, an honourable and laſting peace; that object, he contended, with all due deference to the opinion of the noble lord, and his right honoura-

hle friend at the head of the war department, could not be compassed either by regiments of cavalry, or independent companies of foot, however numerous; it could only be obtained by augmenting the power of the marine of England. Here Sir Charles urged the propriety of employing those of the most distinguished abilities in the department of the admiralty, and reprobated the conduct of the present commissioners, from the beginning of the war to the present hour, stating the evils that had accrued to the country from their want of foresight, diligence, and œconomy, an instance of the latter, he proved from the papers on the table, that the whole expence of the navy for the year 1762 (the most costly of the late war) amounted to 6,308,705l. whereas that for the year 1780, came to 8,853,249l. That is above two millions and a half more, though in 1762 we had 89 ships of the line, and in 1780 only 86. Sir Charles took notice of the war with Holland, and declared he knew not how he was to ascribe it, or how he was to account for it. The spirited and chearful North Briton might rejoice at it, and promise himself a rich and golden harvest, but as an East Briton, as the representative of a large manufacturing county, which touched not an ear of the precious corn, which reaped only a crop of thistles, an accumulation of grievous taxes, who mourned the event, and daily felt its fatal consequences, he must beg leave to deplore it as a melancholy circumstance. It was a poor comfort to his constituents to be told, that there were people in the island of St. Eustatius, at some thousands of miles distance from this country, as miserable as themselves. The adventurers in privateers, and those who were concerned in letters of marque, might rejoice at it; they had, he heard, taken many Dutch vessels, but he had not yet heard of their getting any Dutch cargoes. The ships they had hitherto taken were chiefly freighted with English property, with the property of their next door neighbours. He rejoiced as heartily as any man at the success of his Majesty's arms. The capture of St. Eustatius, considering that we had forced Holland to join the number of our foes, was an important event; how far it would prove a glorious one, depended altogether on the use that might be made of it. If it enflamed the arrogance of the British ministry, if it induced them to use more lordly and haughty language, when they were treating for peace, it would be a melancholy prize; if, on the other hand, it was properly used, it would be a truly valuable capture, though he was sorry to say, its glory was sullied by the seizure of private property, a new and disgraceful

graceful system of war, unknown to civilized nations. He doubted not, however, that a British sovereign would instantly restore the detained merchandize to the owners, as he would not harbour the idea of a monarch of this country being excelled in generosity by a French King, who had lately, in the most liberal and noble manner, ordered the restitution of their property to the subjects of Grenada, as one of which he was happy to give this public testimony of his admiration and gratitude. He advised his noble friend in the blue ribbon, not to suffer those commanders and proprietors of privateers, who had huzzaed him into the war with Holland, to prevent him from making peace. He knew his benevolent and pacific disposition would induce him to do what he had advised. He said, he used the word *pacific*, because his noble friend's mind was peaceably inclined. The conciliatory propositions which, in spite of the clamourous opposition both of his political friends and foes, he had with so much magnanimity, and so much to his own honour brought into that House some few years back, as well as his having sent out commissioners to America, proved that he panted for peace. He conjured his noble friend, therefore, to use his endeavours to inspire his war-enamoured colleagues with the same pacific sentiments with which he was himself inspired. He conjured him to be a warrior for peace; he would fight under his banner, and endeavour, by the abundance of his zeal, to atone for his lack of ability; but it was not only the slender aid of such bending willows as himself that he would acquire; he would likewise gain the powerful assistance of the most able and distinguished amongst us, the sturdy oaks who support this tottering constitution. Let his noble friend lose not a moment in so laudable, so expedient, so necessary a pursuit! In the mean time, "encreafe the navy," the phrase should be echoed in the noble Lord's ear, from day to day. He added, "Nay, I would have a starling taught to speak nothing but NAVY, and present it to him, to keep his recollection still in motion.

In order to do it, let every shipwright in the kingdom be employed; and let the industry of the workmen in the royal dock-yards, be extracted by every possible means; let it be encouraged by emoluments, let their sloth be driven away by the terror of punishment! To forward the great work, the encreafe of the navy, let every joiner and carpenter in the kingdom, every man who knew the use of the adze and the chissel, be enlisted into the public service. Every man of

this description might be made useful, and join in forwarding that great end, without the entertainment of which, it was impossible to expect that war could be carried on with success. To prevent the alarming and unparalleled desertion which happened this war (more than 40,000 having deserted) he recommended the restoration of discipline in the navy, which had been much relaxed; he censured the pernicious custom of turning over men to different ships, which made them take a disgust to the service; and he urged the necessity of augmenting the corps of marines, and empowering the captains of ships to rate the marines as seamen, when they knew the business, without obliging them to repay the bounty-money as heretofore.

Mr. Penton. Mr. *Penton* said it had fallen to his lot from year to year to have occasion to rise and make the same explanation. The honourable gentleman who made the motion, had founded his principal complaint on a matter, which had been explained to that House over and over again, viz. the mode of voting the money for the navy upon estimate, when it frequently happened that the particular service provided for one year, remained to be provided for the next, and again the year after. It had before now been complained of, that the estimates of one year did not agree with the accounts of the ensuing one, and it had then been shewn, that it was impossible they should ever do so. The honourable gentleman was astonished they did not correspond, and he should be more so, if the case were otherwise; for the estimate only related to the probable expenditures, and those which became necessary must by a thousand causes be often widely different; nor could it be the intention of Parliament, that every sum granted should be invariably applied to the specific purpose for which it was demanded. If sums of money had been allowed by that House under the description of its being wanted to forward the building of any particular ship, and unavoidable circumstances prevented the business being carried on, surely there could be no impropriety in appropriating that money to uses more immediately necessary for the services of the state, such as repairing, &c. which enabled government to send out a naval force more speedily than if they were to employ men on new bottoms. The fact was, when any service arose suddenly and pressed, the attention of the dock-yards were turned from their regular work to that particular duty, and in that case, as in regard to the Narcissus, the sums voted for other purposes were applied to the particular necessity, and Parliament was resorted to again for another provision for the subject

ject of the former estimate. This method of doing the business had the sanction of long established usage. It had been adhered to for above a century, and indeed he saw no other method that would answer equally well. Various cases would occur to gentlemen, to exemplify what he had stated, and to prove how unavoidable the practice was. In the case of a hurricane, for instance, where several ships were suddenly dismasted, gentlemen would see it was impossible to foresee and provide against such an event, and yet the ships must be immediately refitted. The honourable gentleman had not previously communicated to him the particular instance he meant to adduce in argument, consequently it was impossible to answer precisely concerning the state of those ships he had mentioned; but this he would observe in general, that the honourable gentleman was much mistaken in supposing the long seasoning of ships to be unnecessary, it was a very requisite piece of caution, as every ship builder well knew, and if the honourable gentleman had consulted professional men, he flattered himself the honourable gentleman would have thought differently upon the subject. With regard to what had been said relative to the King's yards and private yards, he had in his hand accounts of the sums paid to both the last year; about [illegible],00l had been paid to private ship builders, and 4[illegible]l to the royal dock-yards; it was clear therefore, that in the latter the most business had been done. He could not, he said, agree with the honourable baronet on the floor, that to take common carpenters, and every man who knew how to handle an axe into the dock yards would be of any service, on the contrary, he should think that description of persons would rather impede than forward the work, exclusive of the improbability of the real shipwrights consenting to mix with men not bred to their business.

The estimates of which the honourable member had complained, such as they were, were just such as had been made for a century back. To shew this, called to the clerk, who read from the Journals of the House: a motion was made on the 26th of February, 1739, "That to apply towards defraying the ordinary charge of his Majesty's navy, or to any head contained in the ordinary estimate thereof, any sum of the public money exceeding the sum granted by Parliament for that purpose, is a misapplication, and ought to be prevented;" which passed the negative. He hoped that the present motion would have a like fate, and then concluded by saying, that to establish a permanent mode of stating the navy

accounts by an act of the legiſlature was both ſuperfluous and impolitic, becauſe an order of the Houſe might point out any mode which the ſentiments of gentlemen, in every particular year, or the ſituation of affairs might make moſt eligible.

Mr. Minchin.

Mr. *Minchin* replied, and complained of having been miſunderſtood. He alſo declared he had been in a royal dockyard not long ago, when the ſhipwrights left off at half after eleven, and though the bell rang for their return from dinner at one, not a ſtroke was ſtruck till the clock had gone three.

Admiral Keppel.

Admiral *Keppel* roſe principally, he ſaid, to take notice of a circumſtance of the utmoſt importance to the country, and which called for the moſt ſober inquiry; and that was, that we had loſt forty-two thouſand eight hundred men men by deſertion in the courſe of the preſent war. This is a calamity which had been unfelt before in this country, and unprecedented in the Britiſh ſervice, and if it was ſo, it muſt ariſe from a fault in diſcipline ſomewhere, a fault of a very criminal and enormous kind. That 1200 only ſhould have been killed in battle, did not at all ſurpriſe him; for the number killed by the enemy was in general very ſmall; but that 42,000 men ſhould have deſerted from the ſervice, was a novelty in the Britiſh navy; it was a circumſtance which of itſelf would convince him of the neceſſity of enquiring into the ſtate of the navy, and adopting ſome regulations for the improvement of its order and diſcipline. He thought ſome meaſure ſhould be adopted to prevent deſertion, as many thouſands who had coſt the country 50l. 60l. or 70l. a man, had never been ſerviceable to the amount of one penny: this was a grievance which had ſome years ſince been noticed by a gentleman who is now no more (Mr. Dowdeſwell); he wiſhed it would be ſeriouſly thought of by ſome gentleman of abilities at this time, as it was a matter of the greateſt moment. It was his ultimate wiſh to ſerve his country on all occaſions; as he was now excluded from doing any thing in his own profeſſional line, he ſhould content himſelf with giving his free and unbiaſſed opinion of public meaſures in that Houſe. As to the employment of marines on board, it was a meaſure which had been thought of when he was at the Admiralty Board, though not adopted for ſome time afterwards. He conſidered it as a very uſeful regulation, and he ſincerely wiſhed that there was a body of marines brought up expreſsly to ſerve on board, though he never wiſhed them to wear a red coat, or any badge, which diſtinguiſhed them from the ſailors. How the buſineſs was retarded in the royal dock-

dock-yards beyond that of the merchants yards, he could no otherwise account for, than that the men belonging royal dock-yards were frequently, from necessity, called out to repair ships not in dock; at Spithead this was often the case, and the men ordered on that duty could not do more in a week, when there, than they could have done in one day, if the ship had been in dock.

Some men who were connected with Ministers, had declared, they wished our fleet might meet the French and Spaniards. He hoped to God, if the French had sailed, and joined the Spaniards, our fleet might not meet them. He did not wish to paint matters in a black colour, but he could not help feeling, that if our fleet fought an enemy so vastly superior as the combined fleet must be, the consequence might be such, as this country could not easily nor soon get over. He declared he was astonished to hear the Minister's friends, when he met them in the streets say, they did not know whether the French fleet had sailed or not. Had Ministers no copper-bottomed light ships cruizing off Brest Harbour, to bring them early intelligence of such an event, and to communicate it to Mr. Darby? Surely they did not wait for the post to bring them the news through Brussels, Flanders, or the Netherlands, in which case they would not receive it till a fortnight or three weeks after the French had sailed? He did not mean by these questions to take upon him to declare that the fact was so. Perhaps Ministers had light cruizers off Brest for the purpose he had mentioned; he hoped they had.

Sir *Hugh Palliser* rose, he said, to give an account of the measures which the present administration had taken to increase the navy of England, and make it superior to those of France and Spain. It had been insinuated, as if no preparation had been made by the Ministry to put this country in a state of defence against a war. The insinuation was to his knowledge totally ill-founded. After the family compact it was foreseen, that the greatest naval exertions would be necessary to enable this country to maintain its superiority over the House of Bourbon: it was foreseen that whenever war should again break out with France, it would also break out with Spain at the same time: formerly we had to do with these powers alternately, not together; but the family compact gave reason to suppose that a rupture with one, would be immediately followed by a rupture with the other. As one part of a large plan for this purpose, an immense quantity of

Sir Hugh Palliser.

ſhip timber was procured, and vaſt quantities of naval ſtores, the ſeeds of future navies, were purchaſed with thoſe ſums the parliament had voted; the dock-yards were abſolutely crammed. As ſoon as it was obſerved that France and Spain were arming, the number of our ſhipwrights was conſiderably encreaſed in all the dock-yards, and the next ſtep was to procure yet a greater number; and this alſo was ſtrenuouſly attempted, but without ſucceſs, for the nation could not afford any great addition of theſe; therefore, as a ſubſtitute, it was reſolved to increaſe the labour of the former compliment in the yards, till one fourth more work ſhould be done than before, by the ſame number of hands. This expedient would infallibly have ſucceeded, but for the interpoſition of the enemies to this country; we know not whether they were foreign enemies or domeſtic; but our enemies, conſcious that with a great navy we muſt be victorious, intervened, ſowed diſſentions among our workmen, and poiſoned them againſt this new plan. Aſſociations were then formed among them: petitions and remonſtrances were ſent up to the navy board; committees were appointed; and delegates and deputies were ſent up to London, to treat with the navy board, in the nature of a Congreſs. [*A hearty laugh.*] He did aſſure the Houſe, he was ſpeaking ſerious truths, truths that had fallen within his own knowledge; for he had the honour to preſide at the navy board at the time. As to the preſent ſtate of the navy, he could not ſpeak to it.

Mr. Burke. Mr. *Burke* ſaid, he reprobated the little, inſignificant, and contemptible endeavour of throwing obloquy on the aſſociations, by this ſpecies of ridicule, and he pointed out the futility, or the criminality of the fact, if it was true as aſſerted. If it was true, it proved we had no government in this country, as that government were not able to maintain order and obedience even among the workmen of a dock-yard, but permitted every little combination of journeymen and apprentices to defeat the meaſures that were adopted for national ſalvation. The family compact took place in 1762, near twenty years ago, and the preſent adminiſtration had foreſeen the evil of a war with France and Spain, but they were prevented from providing againſt it, by a combination of journeymen; ſuch nonſenſe was at all times beneath his notice; but if Miniſters dared to tell a Britiſh Parliament, that our misfortunes were all owing to a confederacy among the ſhipwrights, they were highly criminal. According to their idea, not America, not France and Spain, but a miſerable com-

committee of shipwrights had vanquished this country. If Ministry knew of it, why had they not applied to Parliament to enforce obedience? To acknowledge they knew of it, and yet to own that they never had applied to Parliament, was an admission of their guilt. The honourable Vice Admiral had thrown out something concerning associations, deputies, &c. He said, associations had been held, petitions presented, &c. the intent of which was to have an enquiry made into a seeming abuse in the expenditure of public money, and praying that it might not be lavished away in pensions, sinecures, &c. but appropriated for the services of the state. These petitions were disregarded, but those of men belonging to dock-yards could not be resisted, the Ministry were vanquished by them; the navy was in a state very inferior to what it ought to be; and the nation would probably feel the fatal consequences. We at present seemed to exult in the seizure of the private property of the inhabitants of St. Eustatia, which might be repeated at Curacoa, which island might probably be in our hands at present; he said, the moment that the people of St. Eustatia had surrendered to our arms, their island was as much the property of his Majesty as was that of Barbadoes, and the people as much his subjects as were those of Great-Britain; and consequently, it must be robbery to seize their property, to which they had a right from the moment of their surrender, as being *ipso facto* British subjects.

Admiral *Keppel* said, he thought it due to the Duke of Richmond to declare, that the discontented ship-wrights had gone to Goodwood, and sought the noble Duke's protection, when he instantly bid them go back to work, for he never would encourage any thing that tended to shew a disposition to fly in the face of discipline. Admiral Keppel.

Mr. *B. Gascoyne* said he could not sit still in silence, and hear assertions, which, if uncontradicted, might tend to mislead the public. It was said, that 42,000 men had deserted from the service in the course of the war, and this computation might be accurate; but was it therefore understood that all these men were lost to the service? By no means, a great number were retaken, and still greater surrendered for fear of punishment, so that, in fact, very few were actually withdrawn from the service altogether. Mr. B. Gascoyne.

As to the attack on his honourable friend, the gallant Vice Admiral, relative to what he had said of the enemies of this country having poisoned the minds of the ship-wrights; his

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honourable friend (Sir Hugh Palliſer) had neither mentioned foreign enemies nor domeſtic enemies, but had uſed the term enemies generally. That the miſchief was done by the enemies of this country was undoubtedly true, and he verily believed by the very ſame enemies of their country, who had, by infuſing the ſpirit of aſſociation into the minds of the people, and planning committees of correſpondence, thrown the nation into the ferment, the effects of which they had witneſſed the laſt year, when all government was overborne, the dignity of that Houſe debaſed, its honour trampled upon, its authority deſpiſed, and the Houſe, as it were, taken by ſtorm and held priſoner. Theſe very enemies, whoſe aim was to deſtroy and ruin the country.

Mr. Burke. Mr. *Burke* roſe with ſome warmth, and called the honourable gentleman to order. He ſaid, that theſe attempts of depreciating the petitions of the people were ſhameful, were ridiculous; ſuch arguments, as the honourable gentleman's, went not to the attack merely of the tumultuous, but alſo to the legal petitioner. He knew how to hold *aſſociations* as well as that gentleman, or any man in that Houſe; there were *aſſociations*, which had his moſt ſovereign, undiſguiſed contempt, while, on the contrary, he was the member of one of a very different complexion indeed, who had petitioned for reducing the influence of the Crown; but their dutiful and humble petitions were contemned, while thoſe of the diſobedient and refractory were attended to, the navy of England might ſtand ſtill, but the influence of the Crown muſt flow on.

Mr Gaſcoyne Mr. *Gaſcoyne* appealed to the Chair, whether that was ſpeaking to order?

Mr Burke Mr. *Burke* ſaid, if he was not ſuffered to deliver his ſentiments, and the honourable gentleman went on accuſing that ſide of the Houſe, with having been the enemies of their country, and the cauſe of laſt year's miſchiefs, he would move to have his words taken down.

Mr Gaſcoyne. Mr. *Gaſcoyne* ſaid, he would not retract a ſyllable, but would repeat his expreſſions word for word. [*A violent cry of Hear, Hear, Hear! Take down, Take down!*] On which he ſaid, "Hear! Hear! Hear! ſuch cries will not alarm me, nor deter me from doing my duty." He now repeated, "That the gallant Vice Admiral had neither mentioned foreign nor domeſtic enemies, but had uſed the term enemies generally. That the miſchief was done by the enemies of this

this country was undoubtedly true, and, he verily believed, by the fame enemies of their country, who had, by infufing the fpirit of affociation into the minds of the people, the effects of which they had witneffed laft year, to have overborne all government." Thefe, he faid, were his words, and if any gentleman chofe to have them taken down, he would again repeat them. Having paufed for fome time, he declared, that he did not include the honourable gentleman who had called him to order in the number of the enemies of his country. No man refpected him more than he did. Let them differ in political opinion ever fo widely, he fhould continue to regard him as a true lover of the conftitution, as a man whofe integrity and honefty were equal to his great and fhining talents. He meant well, and he had done his country fome fervice; but no more of that: but he could not, with patience, filently hear any thing, which gave him an opportunity of reprobating a fyftem, which had overborne all order, infringed every regulation of fociety, and almoft brought the nation into the rude ftate of nature. What did gentlemen on the other fide of the Houfe do at that time, when they had by the riots, as it were, put government into a cleft ftick?

If, when all authority was trod under foot, and all law and order fubverted and deftroyed, government exerted its powers, and put an end to diforder by the ftrong arm of the military, then the cry was, "they were tyrants, they acted oppreffively!" and if they did not, what was the cry then? that they were fools.

Mr. *Dempfter* wondered that any gentleman fhould at this time rife and inform the Houfe, that the Admiralty Board were prevented carrying a neceffary plan into execution, becaufe the carpenters, &c. had formed themfelves into bodies to defeat it. If fuch combinations had been entered into, how came it that the Houfe was not made acquainted therewith, that they might have confidered of meafures to make it beneficial to them, and of fervice to the nation. If a mutiny had taken place among our workmen, the bufinefs ought to undergo an enquiry; and he called upon the Vice Admiral, whofe opinion he held in the higheft refpect, to acquaint the Houfe, when this mutiny broke out, and why the executive power had not been called upon to quell it, and punifh the offenders? The gentlemen on that fide of the Houfe had always expreffed an ardent defire to have the navy put on the moft refpectable footing, confidering it the great

Mr. Dempfter.

bulwark of the nation, and it could not be denied that motions for additional grants of money for that purpose had originated there. He could, however, hardly believe the Vice Admiral to be in earnest; but if so, if there were such combinations that produced such consequences, and they were kept a secret from Parliament, it demanded the most serious enquiry, and he pledged himself to the task.

Sir Hugh Palliser. Sir *Hugh Palliser* replied, that as the plan with which the workmen had been taught to find fault, was beyond the line of their ordinary duty and agreement, so it was political in them to adopt or reject it; consequently could not be employed against them. The association, he said, broke out some time in 1773 or 1774.

Colonel Roberts Colonel *Roberts* said, that he held himself bound to relate to the House a fact which he could speak from his own knowledge. At that melancholy æra, when he was made the prisoner of that House (*a loud laugh*) he was at Plymouth, and he saw the very ships, the Royal Sovereign and Glory, in their cradles; and so far were they from being almost totally rotten, as an honourable Member had represented them, that he believed there was not an *unsound* rib in either. He had spoken to the ship-wright, and had asked him, if there was not danger in having them so long exposed to the weather; who replied in the negative; and said, that there was no danger till a *green fur* (the man's own words) should appear on the timber; then, he said it must be covered, but at the time they were speaking, there was none of this green fur on either of the ships in question; and the ship-wright declared to him, that they were both perfectly sound. And he was moreover informed, by very good authority, that ships were much the better for standing on their frames.

Sir P. J. Clerke Sir *P. J. Clerke* said, that as no application had been made to the House for their interference, when the dispute happened in the dock yard, such disobedience and refractory conduct could not be now brought well into argument.

The House then divided on the question, ayes 54, noes 14[illegible].

Mr Minchin. Mr. *Minchin* said, that after the fate of his first motion, seeing that all desire of reform was at an end, he would not trouble the House with his second proposition.

March 26.

A petition was presented by Lord Sheffield from the [illegible] of Coventry, acknowledging the offence of which they [illegible] been guilty, and the justice of their punishment, but [illegible] at the same time, in the ordinary terms, that the

Houſe would accept of their ſubmiſſion, and diſcharge them from the cuſtody of the Serjeant at Arms. An order was made on this petition, to bring them to the bar the next day, to be reprimanded by the Speaker, and diſcharged.

Mr. *Thomas Onſlow* brought up a petition from a numerous body of the innholders of England, ſtating the grievances which they laboured under by the diſtribution of the military, and the particular hardſhips which they ſuffered from the wanton waſte and havock which the dragoons made of their hay and ſtraw, contrary to the true meaning of the legiſlature, in the act by which they were quartered upon them, and contrary to every idea of juſtice. It prayed the Houſe to give them ſuch relief as to their wiſdom ſhould ſeem meet. *Mr. Thomas Onſlow.*

Mr. *Secretary at War* ſaid he ſhould not oppoſe bringing up the petition, but he thought it neceſſary even at that moment to ſay ſomething upon it. He then went into an argument to prove that the hardſhip ſuffered by the innholders, on account of the quartering of the military now, was not greater than the hardſhips ſuffered on the ſame account all laſt war, and that the practice had the ſanction of at leaſt a century; that it originated by the authority of the legiſlature, and though, as in all times of war, it might at preſent operate more ſeverely on ſome individuals than on others, the general good reſulting to the ſervice and to the public greatly overbalanced that conſideration. He begged the Houſe, however, to recollect, that innholders exerciſed their trade by permiſſion, and ſtood upon a very different footing from moſt other perſons in buſineſs. *Mr. Secretary at War.*

He ſaid further, that two years ago, he ſhould not have wondered at any particular complaint upon the ſubject, becauſe at that period he knew the hardſhip, if it could be called one, was much greater than at preſent. With regard to the number of innholders who had ſigned the petition, that he conſidered as no recommendation, becauſe undoubtedly, if ſolicitors had been employed in different parts of the kingdom, to obtain names to be ſubſcribed to a petition, the object of which was the attainment of a relief that would affect every innholder indiſcriminately, there would be ſcarcely one perſon of that deſcription in the kingdom who would not willingly have put his name to it.

In the laſt war, he ſtated that there had been two petitions from innholders ſent up to that Houſe, but both of them went upon grounds very different from thoſe in the preſent petition; each of the former petitions alleged ſome [illegible]

[illegible]

case, and upon that case prayed relief; the present petition was couched in general terms, and stated no particular fact. With regard to the first of the two former, the House thought it right to grant some relief; when the second came, it was so evident, that the practice was extremely beneficial to the public, and that nothing could be done, which would relieve the innholder, without materially injuring the service of the army, that the House, in order to put an end to all further application on that head, ordered the petition to be brought up, and when it had been read, ordered that it should lie on the table. That the practice did not now particularly oppress innholders, he was warranted to assert for two reasons, the one was, that the excise revenue had been notoriously much larger for the last year than any preceding year; the other, that no complaint of any kind had reached him in his official capacity, excepting only one, and that he would state to the House. The case, he referred to, was a complaint transmitted to him, and came from an innholder in a capital town in the county of Essex. The complaint stated, that the dragoons that were quartered upon the complainant had wilfully wasted the provender, and that the foot soldiers quartered upon him had injured his furniture. The House would see, that those two allegations went specifically to the two great damages which a publican had a right to complain of, and for which, if proved, the offenders ought to be subjected to exemplary punishment. This complaint, as he had stated it, was transmitted to him in the first instance by the party complaining: as soon as he had received it, he sent it down to the Commanding Officer of the military stationed in the town, accompanied with an order immediately to institute an enquiry, and report the result of it to the War Office. The Commanding Officer in question did so, and sent up a report, which he would read to the House. The report stated, that a board of enquiry was immediately called, and specified the names and rank of the members of it. It also stated, that the innkeeper was called upon to make good his charge, that in consequence he appeared, but behaved most insolently, terming it a mock Court, and declaring, as the facts alledged by him were not to be tried by a court martial, he would not attempt to give evidence of them, because he was sure that he should obtain no justice from such a court. In a few days after receiving this report, the Secretary said he received a second letter from the innholder, repeating his complaint, and desiring justice. Without regarding the insolent behaviour of the innkeeper, the Secretary said, he sent a second order to the

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Commanding Officer in the town, to call another board of enquiry, and again to do all his power to ascertain the facts stated, and even if the innholder continued his insolence, and refused to take upon himself the proof of the facts alledged, to try by himself, and those under his command, to get at the truth, and to report accordingly. A second report was in consequence sent up, which Mr. Secretary also read to the House, whence it appeared, that the innkeeper again expressed his contempt for the court, and after insulting the officers who composed it, refused to produce any evidence; upon which they broke up, but, by order of the Commanding Officer, an investigation was made into the truth of the accusation in both instances, when from an inspection of the stables, and of the innholders house and furniture, it was evident that the accusation was altogether false and groundless. The Secretary reasoned upon these facts, and as they made up the only case which he had heard of in the course of the last year, argued that there was not any great probability of the truth of the allegations contained in the petition just mentioned by the honourable gentleman; but at any rate, he said, before the House proceeded to any steps, further than the mere suffering it to be brought on the table, it was necessary that some case or other should be made out and proved, in order that there might be a foundation for any measure, which the House might think it right to adopt in alteration of the wise and useful practice first adopted by our ancestors, and continued in use for above a century past.

Mr. *Jolliffe.*

Mr. *Jolliffe* said he could not help differing from the right honourable gentleman who had just spoken. He believed that there was great ground of complaint on the part of the innholders, on account of the much higher price of provisions of late years and at present, to what provisions cost formerly. But as the right honourable gentleman did not object to the bringing up the petition, it was needless for him to go into argument upon the merits of the allegations at that time.

General *Burgoyne.*

General *Burgoyne* took the part of the military against the innholders, and said, that in many instances the having dragoons quartered upon them was a matter which the innholders much liked, because so far from being a burthen, it was a blessing to them, as they derived a profit from the circumstance. He was aware, that in the home counties near London, where straw was dear, this might not be the case, but in country towns, at a distance from the metropolis, the case was widely different. In many parts, the innholders so far from talking of waste of provender, &c. desired the dragoons to

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use as much straw as they would, thinking the quantity of dung that was made from it, well repaid them.

Mr. Onslow. Mr *Onslow* said he did not mean to move any question on the business at that time; he would be satisfied with having it laid on the table. Some other Members spoke, and the petition was ordered to lie on the table.

Sir George Savile. Sir *George Savile* now rose to make the motion, which had been intimated to the House, relative to the late bargain made for the public, and the distribution of the loan. The honourable Baronet began with stating the particular and various disadvantages under which he called the attention of the House, to a subject sufficiently important in itself to merit their most serious consideration, however little he was entitled to any share of their notice. Among others, not the least of his difficulties was, he said, his own personal illness, having got out of a sick bed to come down, and appear in that most odious of all characters, an accuser; and was to bring his accusation before judges, who were themselves suspected of participating in the object of his charge: but though what he should bring forward might look like a charge, it did not in fact make him an accuser, the odiousness of which character nothing could sanctify; but a consciousness in the person (who appeared as an accuser) that he was acting from no impulse of malice, no desire to blacken an innocent man, no wish to lay a false imputation at the door of any man, but merely to search out the truth, and to see if the suspicions that were abroad were well or ill founded: in that light then he stood, and was no accuser, but a person actuated by *prima facie* appearances to suspect there was something wrong in a late transaction, and desirous, as well for the sake of those against whom those *prima facie* appearances conveyed suspicion, as for the sake of the public, to go deeper than the surface, and to see whether the suspicions had foundation or not. He had no intention to move the House to any positive conclusion on the matter. He had no confident charge to bring, which he was to prove by evidence. He merely intended to propose an inquiry, which might or might not lead to future accusation. He did not, therefore, stand in the light of an accuser, a character which in some instances was justifiable, and in some praise-worthy; but he merely called the House to a point of duty, and presented them with the indictment. They, as the grand jury, were to enquire into the facts, and find that it was either a true bill, or not a true bill, against the parties. This was the situation in which he now stood. He owned that even with these mitigations it was a painful one.

one—it was a difficult and dangerous situation. It must always be painful and grievous to animadvert on the faults, or the crimes of men; and the generous mind will feel the embarrassments that arise from honourable delicacy, even while they are influenced by the respect which they owe to duty, and to the faithful discharge of the trust which their constituents have placed in their hands. He felt all the pain and danger of complaining in this instance, but he could not be diverted from the performance of an obligation, by any regard to motives that were merely personal to himself. Perhaps, he said, it might be stated as an objection, that it was now too late to institute an enquiry into this very singular and disgraceful business. He was anxious to remove this objection in the outset. He was ready to confess, that from motives of prudence it was too late to prevent or to alter the bargain, under all its improvident and corrupt extravagance, but it was not too late to censure the Minister for making that bargain—perhaps to impeach and punish him—by which at least this good consequence would arise, that future Ministers would be taught not to sport with the public in a matter of so serious a nature, and not to entertain the presumptuous idea, that Parliament would not assert the right and authority which they possessed, to cheque and controul him in the bargains which he made. To say that because the bargain was made, and the business finally concluded, the House ought not, or could not with retrospective inquiry and censure disturb that transaction, would be a doctrine, which, he trusted, no one would venture to advance. It would be a doctrine pregnant with the most unconstitutional spirit and alarming consequences. The constitution had vested ministers with very ample powers, but it also vested that House with a full and complete right to enquire how those powers had been used, and consequently a retrospect into the conduct of ministers was the constitutional appendage of parliament; if it were once wrested from it, it were better that the government should assume openly the form of despotism, than that it should be carried on and maintained by despotism, under the appearance of freedom. The power of Parliament could never be exercised in the punishment of Ministers for such species of delinquency as that he had in view, if any limitation of time was admitted, or if the House was to be precluded from deliberating on a loan after it had received its own previous concurrence; for the Minister, in this case, first took away the right of interference from that House in settling the loan, by creating an emergency, by which they were of necessity governed. The vote in

consequence met their assent, for one inconvenience being weighed against another, it appeared better to come into exorbitant demands, than to leave public offices deficient for the services of the year. But surely a vote so obtained was not to screen the Minister, who had wilfully plunged the House into such a dilemma, or screen his conduct from a [illegible] investigation. Sir George contended, that this was the ground on which the House of Commons had agreed to the Minister's bargain, it was that of a balance of inconveniences, [illegible] the inconveniency of stopping public business, [illegible] thing that should seem to [illegible], [illegible] as was alleged, than that of confirming [illegible], [illegible] extravagant and disadvantageous [illegible]. That being the footing on which the [illegible] consent [illegible] to the new loan, it was a matter still open, and [illegible] which they were fully competent to examine the principle on which the bargain was made, that the precedent might not strike deep, if it should appear to be founded on [illegible] it might receive a timeous check from the censure of the House. Take from Parliament this inherent and [illegible] right, and you cut up the constitution by the root. It would [illegible] moment be a mockery and a farce, and the Minister would have all the advantages and powers of despotism, without [illegible] of its inconveniencies or its dangers. He would stand [illegible] round with forms of limitation, which at the same time [illegible] actually unrestrained. These formalities of [illegible] publicity would take from the mind of the people the [illegible] picions of delinquency, which in a despotic state is the only cheque which the subject has upon the sovereign, and [illegible] would be more completely duped, cheated, and baffled by this shew and mockery of Parliament, than if the last [illegible] pet of the constitution were overthrown, and they were dependent on the mere will of a king or of a minister. Having said this much, the honourable Baronet proceeded to the matter immediately before the House. In instituting an inquiry into the management and distribution of the loan, he was aware, that whatever he should happen to assert, would be instantly declared to be of no consequence, unless he should also bring the proof. He would be careful to avoid any other arguments, therefore, than such as were made evident and conclusive, either from the acknowledgment of the noble Lord in the blue ribbon himself, or from the actual and notorious circumstances of the loan itself. The terms of that loan were so unaccountably extravagant, that without descending to any other matter, they furnished a sufficient cause for drawing

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the attention of the House, and exciting them to a very minute and careful examination. If not less than between eight and nine hundred thousand pounds were lost to the public in the [illegible] that loan, it was a sufficient reason for enquiry, and a sufficient [illegible] for censure. It was a [illegible] that the scrip had borne betwixt [illegible] Was not this fact of itself [illegible] of the House? The noble Lord, [illegible] the terms of the bargain, had allowed them to be 7 per cent [illegible] he had forgot, or chosen to suppress the circumstance of the interest to be paid the subscribers in advance, which brought the douceur to a considerable sum more than that mentioned by the noble Lord. This was evident. The [illegible] which had been used in the distribution, and the injustice with which it had been divided, was also a fact in the knowledge of the House [illegible] from the face of the list which lay upon the table, it appeared that great and [illegible] were in the names of persons who could have [illegible] from responsibility, or from having subscribed to former loans, it was seen that the clerks of the bankers had sums which they could only be held for other people, and that they were in fact held in this manner for Members of Parliament, who are ashamed themselves of avowing what they had the meanness to act. On the other side it was seen, that the most opulent and respectable names in the city, the men who had [illegible] subscribed, and sometimes suffered by former loans, had been altogether rejected, or had been treated with such injustice, that the most criminal partiality was discoverable on the face of it. This then afforded new grounds for enquiry, and especially as it was but too plain that all the injustice, and all the partiality, and all the extravagance had been committed for the purpose of corrupting Parliament, and adding to the influence of the Minister. This was at least the suspicion which had gone abroad. The constituents of that House entertained sentiments of distrust, and believed that they had participated in the benefits of that loan, to the injury of their constituents, whose property they were appointed to guard and protect. It became the House, by a full and free enquiry into this business, to rescue their character from so ignominious an imputation as that of profiting by a bargain, sanctified by their concurrence, which defrauded and impoverished their constituents. For this important reason, and also with the view of checking this species of corruption in future, if it had been practised, which he solemnly declared he thought it had, as well as of teaching

both ministers and money-lenders that Parliament had the power of punishment, of correction, of alteration, and of total dissent in their hands—it was that he brought on this matter; and with this view he moved, "That a Select Committee be appointed to enquire into the circumstances of the last loan, to make an estimate of its terms, and report the same to the House."

Mr. Byng.

Mr. *Byng* rose to second the motion. If the honourable baronet, says he, feels his situation to be a trying one, good God! Sir, what must mine be? To him is committed a general explanation of the terms of the loan, and its general profligacy, while to me is reserved the irksome detail of invidious personality. But, Sir, whenever my public duty calls me forth, away with all private considerations, for though I see and feel the disadvantageous situation in which I have placed myself, I am fully prepared to meet it.

Considering the loan as an evil to be endured for public benefit, and not for the private advantage of any set of men whatever, I cannot but approve of the early invitation of the noble lord to the moneyed interest to send in their offers, they obeyed the summons, their offers were unconditional, and as early as the end of November and beginning of December. I cannot but repeat my approbation, as the notice was general, and being early and general, the public might have derived advantages from the general price which they were enabled to make; they were not obliged by hasty sales to lower the old stocks to such a state, that the bargain must become fatally disadvantageous to public credit. It also gave full time to the noble lord to enquire into the responsibility of the offers. So far so well. But mark the sequel; you will find that though many were invited, few were chosen. Responsibility was soon lost sight of, and the just claim of those who under the general invitation had lodged their money, was given up to the more pressing necessities of members of Parliament. Surely, Sir, candour, nay justice demanded an early apprisal of the intended slight. If under public faith they had a prior claim, public justice called on the noble lord to have supported it. But, Sir, their offers met not even with a decent rejection; they were kept in suspense till the inordinate profit of ten per cent. announced it to be a premium calculated only for those who felt the kind support of Mr. Atkinson (for to him was committed the distribution of this extravagant profusion of public money) save when the secretary of the treasury stretched forth a healing hand

hand to the needy member. And here I cannot refrain from marking the repetition of injuries sustained, first, by the loss in drawing their money from the old funds, and again by being driven to the necessity of purchasing in the new with a loss of ten per cent. All former support was forgotten; the loss felt in 1778 had escaped the memory of the noble lord; and if it had not, what would it have availed? The object of a loan of twelve millions was either too great or too little to attract his notice; it was already delivered over to other hands. Nor did the injustice rest here, for though their offers were unconditional, they found those only favoured who had extorted from and pinned the minister down to the most unjust and extravagant terms.

Having pledged myself, I shall endeavour to state to the House such matter as I have collected, and which, if the motion is complied with, I engage to prove to be *matter of fact*; at the same time lamenting, that I cannot in the present moment discover all that I know; the conflict in my breast, between my duty to the public and my private honour distresses me greatly, my duty tells me I ought to conceal nothing, but when I consider that many material points have been [illegible] in confidence, and that in regard to other information I might end in certain loss of bread to individuals, I find my duty in this instance for once giving way to my private [illegible].

Having endeavoured to arrange this business under different heads, I shall first read to the House a list of offers from gentlemen to the amount of 1,426,000l. gentlemen well known on 'Change, known to have prepared their money to make good their offers, who almost to a man were thought sufficient and responsible men for the losing loan of 1778, and who proved their sufficiency and responsibility by making good their payments in that loan. To comment on each name would tire the House, the day would be insufficient for the recital; I shall only therefore touch upon a few occasionally, and then proceed to other matter (Here Mr. Byng read the list of names, their tenders, and the quantum of each) When he came to the names of Stratton and Rodbard, he observed that the case of this House was particularly hard. In the year 1778 they made a tender of 97,000l. they were kept in suspence till two or three days after the budget was opened; it was declared a losing loan, and the whole was fixed upon them; but such was their responsibility, that they not only made good their payments, but advanced at the first payment 60,000l. but the

the noble lord has told us it was impossible for him to comply with the extravagant requests of individuals, and that men asked for more than they [illegible] Now, Sir, [illegible] the unreasonable request of this H[illegible] They who were [illegible] in the lottery loan are only for [illegible] in 1781 [illegible] suspense, that they experienced [illegible] the Saturday came; ten per cent. was announced to be the premium of the day, when they received their letter to acquaint them that [illegible] ---what? None. These were the men who had aided the public loan with [illegible] in 17[illegible], at a lot of three [illegible] [illegible] [illegible] [illegible] [illegible] the [illegible] of the [illegible] and Rolle [illegible] [illegible] great losses in [illegible] [illegible] slice of the noble lord, [illegible] impartiality, [illegible] [illegible] letters [illegible] Has [illegible] [illegible] Will you [illegible] about to [illegible] Oh, [illegible] [illegible] [illegible] cation is given to the [illegible] wound [illegible] tion. Brocklebank and Ruddle wrote [illegible] for themselves, but to find Mr. Brockle[illegible] [illegible] of [illegible] cover one which [illegible] pears. Mr. [illegible] Camden [illegible] for 50 [illegible] [illegible] million of Dutch property in the [illegible], his first payment [illegible] lodged ready in the bank, and the [illegible] [illegible], obtained nothing. At first I [illegible] having Dutch connections might be the principal reason of his experiencing [illegible] [illegible], and that the bargain was too [illegible] advantageous to admit of any foreign connection to partake of it; the policy of admitting foreigners to our loans, the advantages or the disadvantages of borrowing their money on these terms is a question I will not enter into; it is not to the present point: but I soon lost sight of that surmise, for I found

[illegible] the greatest sum allotted to any one house was to one usually called a Dutch house; so that all reasoning on that head is at an end. But having mention'd that House, I cannot [illegible] (though out of its place) to present to you a curious [illegible] arising out of the portion allotted to this House. I mean, Sir, the House of Gurnel, Hoare, and Harman [illegible] the most capital and respectable houses in the city, and [illegible] plain and sincere [illegible] line of conduct. [illegible] permission for [illegible] that [illegible] me [illegible] to assure [illegible] (which was the quantum he wanted) [illegible] but it should be in addition [illegible] Mr. Harman [illegible] dealings, which [illegible] to all included in it, [illegible] that there might be no distinction [illegible] and were [illegible] would have just [illegible] this requisition granted [illegible] to him, and the rest of the [illegible] to their [illegible]. It was at the will of the minister to [illegible] that whatever the [illegible] not recede from their rules. [illegible] for two millions, they were [illegible] they were to have a half, and [illegible] but at last found themselves cut down to [illegible],000. But, Sir, what must their [illegible], when they found that 500,000l. only was for themselves, notwithstanding their resolute refusal, 60,000l. [illegible] the gentleman. Sir, they immediately went to Hammersmith, the place of the gentleman's residence, complained to him of their treatment, insisted on his going immediately with them to the minister, fully determined to give up all rather than lose any part of the credit they had always preserved by their plain dealing. They went to the treasury, where, after waiting several hours, they at last obtained an interview with the noble lord, or his secretary, to whom they opened their resolution; from him they received the fullest assurances that the 60,000l. should be separated, and an order sent to the Bank accordingly. I know not whether it went, but I find the orders of this house disobeyed.

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When I moved for a list of subscribers, I meant real subscribers, and those I will bring to light, if the House will comply with the present motion; but, Sir, perhaps the House will desire to know who this favoured gentleman is; they have a right to it, and I will no longer conceal him. It is Mr. Paul Wentworth. Oh! Sir, I believe there is in this instance concealment within concealment; for whom this 60,000l. was so concealed will be a part of my duty in some future stage to expose.

He then remarked of the 240,000l. for Messrs. Crofts and Co. that he verily believed 40,000l. only was for the House, the remainder for concealed members of both Houses.

I understand, Sir, that a member of this House waited on the confidential secretary of the treasury, demanding such a quantum of the loan for himself and friends (those friends his superiors in rank and fortune) and that their names should not appear; the secretary for some time resisted, (I wish, Sir, he had been master of that inflexible virtue of Mr. Harman, whom no arguments could seduce) but he was made of other materials, and gave way to the terrors of this menacing member, who I can assure this House was in the alley on the Monday, selling of omnium, though none appears in his or his friends names.

Mr. Byng then read a list of capital persons who sent in offers to the amount of 3,487,000l. and who had not a tenth, several of them great losers in the year 1778. [He then read a list of upwards of two millions, who received all or nearly all they asked, among whom were Messrs. Mure and Atkinson 200,000l. observing that he could scarce think this was all they had, as he found the names of Messrs. Smith and Sill, attornies to Mr. Atkinson, were set down for 67,000l. and which he knew was not for themselves.] As the noble lord, says he, has delivered over his power to those in authority under him, I find a superior influence throughout in every subordinate situation, When I look for the master I find the clerk; when I look for responsibility I find a name, and searching after that name, the odds are that no industry can trace him, but such as my labours have been able to produce, I shall give the House. Mr. Drummond's house is set down for 84,000l. the credit, character, and responsibility in which that house stands, I own, made me consider that sum beneath my expectations; more particularly when I find 500,000l. in the name of Mr. Dent, on which 500,000l. I will not comment a moment. When houses of great credit

obtain a lumping sum, we well know that it is for themselves, and those that lodge their money with them; and I understand the reason of the seeming disproportion between Mr. Child's house and Mr. Drummond's was, that Mr. Drummond gave in another list of friends, which I must call his second list.

I make no comments on either, when a list comes in the name of any banking house, they become a security for the payment, the public are no losers, but so far I cannot help observing the evil tendency of a distinction between the different banking houses. Mr. Child's house received near two thirds (if I am rightly informed) of the tender they made to government; Mr. Drummond's about five eighths, whilst those who lodged their money in other houses, partake some a tenth, and others a sixteenth; this is giving a wound to the credit of those houses, for here government tell to the public the superior advantages to be obtained by lodging their money with these favourites. They turn the misfortunes of the country to their private advantage, it is a direction post to the house. But, Sir, with regard to the third list, that of Messrs. Drummond's clerks, might I request of my honourable friend to set me right, if I should offer any names that are really not truly what I state them to be. He then read the names of clerks, in whose names subscriptions stood to the amount of four hundred and thirty-eight thousand pounds, from forty one thousand pounds to fifteen thousand pounds, except Mr. [illegible] Lovaux, who stood for six thousand only, and who stood for Alex. Monro. Mr. Byng observed, that when the sums were large, there was concealment; but when the sum was for six thousand pounds only, a real owner was permitted to be acknowledged. He observed, that the same rule of increase to clerks was pursued in other cases.

I find, Sir, ten thousand pounds set down against Mr. Maddison's name. Mr. Maddison is broker to Messrs. Drummonds; from what I can learn, he is perfectly equal to such a subscription, but to each of his clerks is allotted twenty-five thousand pounds; to the clerk of Messrs. Cox and Mair twenty-five thousand pounds: these are a few of the concealments that I have thought proper to produce; you will be able to detect more, and expose to the public the causes, why one million has been delivered over to men, who, conscious of the grounds on which they have obtained it, are under the obligation of being secreted; their names will not bear the light.

But I beg to be understood, not to arraign the subscribers in general. Capital house, responsible and respectable, are the terms that mark many houses in my list of observations; nor do I totally condemn all subscriptions standing in the names of Members of Parliament; bankers and monied men may aid a loan; but if I had applied for, and obtained any part of the loan, it would have been depreciated, as I must have sent the whole to market. How many do I see in the same situation with myself? It carries a double evil, the glutting the market, and making us instruments to favour a bad bargain; and that it has been a bad bargain, let the premium, not of a day, but the premium, that no management could reduce, shew. He then read the daily price of the omnium.

Thursday, March 8,	8 a 11 8 3 4ths a 9 3 4ths.
Friday, March 9,	8 1-half a 9 3 4ths a 8
Saturday, March 10,	8 1-half a 9 1 half a 8 3 4ths
Monday, March 12,	9 1-4th a 1-half
Tuesday, March 13,	9 1-half a 10 1-4th
Wedneſd. Mar. 14,	10 1-half a 3-4ths a 10
Thursday, Mar. 15,	10 a 9 3-4ths a 10
Friday, March 16,	9 3-4ths a 1-half
Saturday, March 17,	9 1-4th
Monday, March 19,	9 a 8 1-4th a 3-4ths
Tuesday, March 20,	8 1-4th
Wedneſd. March 21,	8 1-4th a 8
Thursday, Mar. 22,	8 a 7 1-half a 3-4ths
Friday, March 23,	7 1-half a 6 1-half a 7 1-4th
Saturday, March 24,	7 1-4th a 1-half a 3-4ths
Monday, March 26,	7 1-half a 8 1-half

It even rose under the pressure of every art; and the friends of the Minister used every effort to lower the credit of the nation, in order to raise his. On the Monday I almost thought they would have effected it, Mr. Atkinson's broker gave the turn by selling an hundred thousand; and the confidential friends sold likewise, the confidential friends without names, those who held under concealment. On the Tuesday Mr. Atkinson's broker sold another hundred thousand, and the same game was continued; but on the Thursday, finding every trial insufficient, they were even reduced to the necessity of entreaties, and they called on subscribers to sell, in order that the premium might be lowered before this day. As the noble Lord had served them, so ought they in their turn

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to ſerve him. This was the language of the miniſterial runners. But, Sir, ſuch was the extravagancy of the terms, that the ſale of between ſix and ſeven millions could not bring it down to the wiſhed-for level.

Thus has the purſe of this country been delivered over to a few, who have not had even the decency to preſerve appearances. No rule to guide, but the will of individuals. No time was judged neceſſary, hourly alterations made, Captain Laird obtained ten thouſand pounds of the loan, who only arrived a few days before the noble Lord opened his budget; but Captain Laird is the friend of Mr. Atkinſon: nor will you wonder at alterations made a few days before, when I am able to inform you, that alterations were made after the budget was opened. After the premium of nine per cent. was given, the liſt was retained in their hands for three days, for the purpoſe of making theſe ſcandalous, I had almoſt ſaid felonious alterations. Sir, I have now done, having delivered to the Houſe much of the intelligence I have obtained; and I muſt here obſerve, that if I am not able to prove what I have advanced, I ſhall hold myſelf culpable to the Houſe, to the public, and ſtill more ſo to myſelf. I do therefore call on the noble Lord, if he wiſhes to retain the character of an honeſt man, that he will not blink this matter: let us go into the inquiry, and if I prove not my aſſertions, I am a calumniator; if I do, then let the noble Lord make ſome atonement to the public, at leaſt by a confeſſion that he has been deceived, and that he will guard himſelf in future againſt ſuch deceivers. What I aſk is for the public, not as matter of favour but of right. Let not this Houſe, let not the repreſentatives of the people, become parties to, and give ſanction to concealment, by a vote for concealing the dark tranſactions of an exorbitant and corrupt loan.

Earl *Nugent* oppoſed the motion, and declared it to be, in his opinion, highly improper, dangerous, and unneceſſary. All that had fallen from the two honourable gentlemen was of little or no importance; could they prove, or had they attempted even to inſinuate, that the perſons, among whom the noble Lord had diſtributed his loan, were not reſponſible, or that they had not made the depoſit? Unleſs they could prove that, they could prove nothing. It was not by the diſtribution of a loan, but by the terms of it, and the reſponſibility of the ſubſcribers, that the public could be affected. The noble Lord had taken care of the two latter objects, and Earl *Nugent*.

in the former he had undoubted discretion. It was no matter of public concern, who were the persons who had subscribed to the loan, provided the subscriptions were all paid in regularly at the stated times of payment. The noble Lord insisted much on the regard which the House ought to have to the necessities of the public In all inquiries of this sort, they ought ever to be guided in the exercise of their power by their discretion. There were times in which it would not be safe in the House of Commons to persecute the Minister for the bargains which he made, as there might be more lost by the calling the transaction to account, than there was by the occasional, and perhaps the unavoidable extravagance of the bargain. This had always been the wisdom of the House, and he trusted, that it ever would be so. But gentlemen said, that partiality was visible in the distribution of the loan—was that a novelty? It ever was, and ever would be the case, that ministers would do more for their friends than their enemies—ministers had done it in former administrations; they had done it now; and ministers would continue to to do to the end of time. The honourable gentleman who spoke last, had said the other day, that he had a list of responsible persons different from the real subscribers at present, who would have taken the whole loan upon better terms for the public than those which had been granted If that were so, he should have thought that list would have found its way to the noble Lord for a share of the present loan. He had once had the honour himself to propose a loan in that House, for the Duke of Devonshire, and he remembered that Sir John Barnard disapproved of the terms of it, and thought them not sufficiently advantageous for the public Mr. Beckford at the same time said, he could produce a list of responsible men, who would take a loan for the sum then wanted, on better terms for the public, but even Sir John Barnard had disapproved of the proposal, declaring that after a Minister had made a bargain, though Parliament had undoubtedly a right of controul, it would be an unadviseable measure to alter the terms; and upon what had Sir John Barnard founded his idea? upon a conviction, which he stated to the House at the time, that it would hurt public credit. It would be a stab in the way of future loans, and would throw difficulties in the way of the Minister in subsequent years, which might be dangerous, if not fatal to the state. This was the reason of prudence which had always governed the House of Commons

mons in regard to loans. Undoubtedly they had the power of controul, but in better times than theſe they exerciſed it with diſcretion. Gentlemen now ſeemed offended that Members of Parliament ſhould ſubſcribe to the loan: the language of oppoſition in former days was very different; for then the complaint was, that the members in oppoſition did not get as great a ſhare of the loan, as thoſe in the adminiſtration; but no one attempted then to ſay that Members of Parliament ought not to ſubſcribe at all. He recollected very well, that on the occaſion which he had mentioned, when he propoſed a loan, the only complaint was, that gentlemen in oppoſition had been given to them with a very ſparing hand, while it was dealt out plentifully to thoſe who ſupported adminiſtration. It was quite a new doctrine, that Members of Parliament ought not to ſubſcribe to the public loans; or that it was inconſiſtent with the duty which they owed to their conſtituents. The noble Lord did not think that there was any injuſtice done to thoſe who had loſt in 1778, or in other unprofitable years, that they had none now. He did not think that any regular mode of diviſion could be adopted without great danger and great alarm to public credit. To eſtabliſh any fixed rules, whereby the diſtribution of the loan might be determined, and particularly to paſs it into a law, that thoſe who had been loſers in one loan ſhould have larger ſhares in another, would lead to the doctrine of making the loans a monopoly. Upon the whole then, the noble Lord entirely diſapproved of the motion. It could lead to no good, and it might do much injury. The things of which the honourable gentleman had complained, were not the errors and the faults of loans that required correction. The chief fault was in frequently giving ſums to perſons who were unable to make good their payments. This, he confeſſed, deſerved attention.

Mr. *Adam* ſupported the ſentiments of the noble Lord, and oppoſed the motion, as exceedingly ill-timed and improper. He diſclaimed, and recommended it to every individual on that ſide of the Houſe, properly to reſent thoſe falſe aſperſions thrown on their characters by gentlemen in oppoſition, who ſcrupled not to ſay they were corrupted by the profits of a ſubſcription, and that the Miniſter had ſquandered the public treaſure to overturn the independency of Parliament. Such calumny had been adopted without doors; it had of late got within thoſe walls; nay, it had even found its way elſewhere, and made its appearance in a late proteſt, which had

Mr. *Adam*.

had been entered on the Journals of another Houſe, which, to ſay the leaſt of it, he could not but regard as a very extraordinary production indeed. Was it fair, was it candid, to impute to thoſe, who took the ſide of government, a worſe impulſe than gentlemen who oppoſed government would ſubmit to have imputed to themſelves? There was ſcarcely one gentleman on the other ſide of the Houſe, who had not, at one time of his life or other, been connected with an adminiſtration. When they had been ſo ſituated, did they conſider themſelves as acting diſhonourably in participating in the honours, rewards, and emoluments of government? Surely he was uſing a conſtitutional language, when he ſaid, that there was no diſgrace in receiving ſuch rewards, no diſhonour in ſupporting meaſures after thoſe rewards were received, as long as thoſe meaſures appeared to be calculated to ſerve the country. He truſted, he ſaid, that there would always be found enough of fortitude, in thoſe who ſupported government, to reſiſt ſuch attacks; the imputations that were thrown upon them, of acting under the corruption of influence, ought to be cleared away, and he truſted they would have ſpirit enough to maintain, that the fair and honourable emoluments of government were no improper ſeducers of the human mind. The name of William Adam, which ſtood in that liſt, was not his. He had no part nor ſhare in the loan, either in his own, or in any other perſon's name. But, he ſaid, if he had been a ſubſcriber, he ſhould not have conſidered it as any imputation or diſgrace. He ſaid further, that before gentlemen talked ſo loudly of Members of Parliament having been bribed by the profitable terms of the loan, to agree to it, when propoſed in the Houſe, it became them to recollect, that thoſe terms were not made by Members of Parliament, but the monied men of the city, the Directors of the Bank, of the India Houſe, and other great companies. The honourable gentleman ſaid, that in judging of the terms of the bargain, whether they were profitable, or whether they were diſadvantageous, it was neceſſary to look back to the time, the circumſtances, and the proſpect of affairs, when that bargain was made. He averred, that the Miniſter had made the beſt terms he could, in the ſituation in which he ſtood. The price of the ſtocks at the time when the loan was in agitation, their price ſince, the ſtate of affairs, all contributed to prove, that the Miniſter had it not in his power to make better terms for the public. As to the partiality with which it was ſaid the noble Lord had dealt ſhares in the

loan,

loan, it might produce very pernicious consequences to call upon the noble Lord to assign his reasons for having given more to one house than to another; and the credit of many houses would be shaken, if, in his own vindication, the Minister should say, that he had given to every banker who had applied just as much as he thought the house should be able to pay. This might be the ruin of several families; and as the committee that the honourable Baronet had moved for, might give a deadly blow to national credit, he should give his negative to the motion with more satisfaction than ever he felt in any vote before. This he should do for many reasons, but principally because to enquire into private characters would be an inquisitorial tyranny, and oppression to individuals was injurious to the public.

Mr. *T. Townshend* rose principally, he said, to take notice of some observations that had fallen from the noble Lord and honourable gentleman on the other side of the way. The noble Lord had said, that "if the losers in the loan of 1778 were considered as intitled to a share in the present subscription, it would amount in fact to a monopoly, and establish a doctrine highly prejudicial and injurious, that those who lose in one year have a right and claim to a preference in another loan." This, he said, was not the fact. The losers in 1778 claimed no preference. They did not conceive that they had a right, much less an exclusive right: all that they said, and all that his honourable friend had stated in their behalf was, that the supporters of government, having been losers in one bargain, had good reason to expect, that when they offered their assistance again, they had at least equal pretensions with those who had no such recommendation. And when they found themselves rejected and overlooked, for men who had never been seen in former loans, either as the supporters or the sufferers by government, they sought for the causes a little further than the mere arbitrary act of refusal, and suspected, with just reason, that the manifest partiality was founded in corrupt and bad motives. The facts stated by his honourabl friend, which he hoped to see come before that House, substantiated by proof, confirmed those suspicions, indeed, amounted to a species of demonstrative evidence, which could not be well controverted, without doing violence to every rule of judgment which had common sense or common experience for its basis. What was the fact stated by his honourable friend who seconded the motion? That the refusals were given to men of known probity, of high mercantile character,

of great property, a Meff. Stratton and Co. a Mr. Bordieu, and feveral others of eminent credit and refpect. The firft houfe, with a lofs of four per cent. on 96,000l. fubfcribed to the loan of 1778, write for 30,000l. of the prefent loan, but they do not get a fhilling; fo it happens with feveral other houfes anfwering the fame defcription; they apply, but in vain. One houfe gets half a million, another two or three hundred thoufand, and fo downwards; many of whom, he prefumed, were well entitled to a fhare, as men of property and dealers in money; but furely the very ground on which that claim was founded, applied to all men of property, who were dealers in money, or to none. Exclufive, therefore, of any claim of preference founded on former loffes, independent of every other circumftance whatever, it was fair to conclude, that the refufals given to the defcription of men he had been fpeaking of, and the enormous fums given to others, who were no otherwife intitled but as men of property and dealers in money, was the cleareft evidence that the perfons pointed out by his honourable friend as having been refufed, were refufed upon partial and improper motives; and the enormous fums given to the favourites equally pointed out, that the fubfcriptions given to them were given for corrupt ones. If this argument was pufhed only a little further, the charge of partiality would ftill come with double, nay, treble weight. If it fhould appear, as he made no doubt his honourable friend, as he had pledged himfelf, would be enabled to do, that this fhameful, difgraceful partiality, was not confined to perfons of property, but that large fums were diftributed to nominal perfons, for the fecret ufe of others; to perfons who had no exiftence; to bankrupts; nay, to men who were actually to be found on Lord Mansfield's lift of perfons who had furrendered into the cuftody of the Marfhal of the King's Bench prifon. To men who were double lifted; then in what manner could the noble Lord's argument ftand? but that the lofers in the loan of 1778 were not to be put on a level with thofe double lifted gentlemen? He fhould leave it to the feelings of the Houfe; he would appeal to the known candour of the noble Lord, whether, under fuch circumftances, giving a fhare in the loan of the prefent year to thofe who had been lofers in 1778, could be deemed the giving them a monopoly.

The honourable gentleman who fpoke on the other fide of the Houfe (Mr. Adam) had afked with great energy, "Were the Members of that Houfe to be the only men excluded from

from giving their support to government, and deriving the advantages peculiar to their abilities and professions as merchants?" How far that question might admit of discussion, formed no part of the present subject; but he was ready to admit in argument, that they ought not to be excluded. What then? Their exclusion had nothing to say to the present question, which was merely directed to the terms of the loan, and the distribution of it among persons as well without as within that House. If the loan was too high, in the first instance, that was a good ground of accusation against the noble Lord who negotiated it. If it was too high, merely for the purpose of a corrupt or partial distribution, in order to create an undue or improper influence within or without doors, the noble Lord would appear doubly culpable; for it would amount to this: that the noble Lord had committed a crime of a very black nature, for still a worse purpose.

The honourable gentleman alluded to a public proceeding, the Protest entered on the Journals of the other House, and had spoken of it in very censurable terms. He believed it was not very regular in debate to allude to the proceedings of that House, much less to animadvert upon the mode of exercising its acknowledged rights, that of protesting or declaring the opinions entertained by some of its Members upon any measure which came under discussion, and had passed in the usual form. Whether the facts and reasons stated in that Protest were well or ill-founded, was not for him to say in his place in that House. But be that as it might, he was clearly of opinion, that the conduct of the noble Lords who signed it was highly commendable: they spoke the language of honest men, urged by a call of duty; and he could not suppress his astonishment at hearing such a stile of animadversion resorted to upon such an occasion.

The honourable gentleman said, that former administrations were as kind or partial to their friends as the present; that it was natural that those who supported government should be partakers of its favours; that there was nothing that distinguished the present from those administrations in which several gentlemen on his side of the House had been favoured. To this he would just observe, that loans, or subscriptions, were never reckoned among the means of gratification, by the administrations to which he alluded. He would appeal to the noble Lord in the blue ribbon if they were? The noble Lord, if he deigned to return an answer, would on his honour declare they were not. No man was

better enabled to give an anſwer, and an anſwer that would flatly contradict the inſinuation of the honourable gentleman. His Lordſhip had ſat at many Treaſury Boards; nay, ſuch was the noble Lord's addreſs and pliability, that he managed ſo as to retain his place under almoſt every adminiſtration, as long as he could well remember; and he knew the noble Lord dare not, becauſe he could not, with truth, aſſert, that the diſtribution of a loan was ever conſidered as a ſpecies of influence. And he would add the reaſon, becauſe a part of a ſubſcription was in former times no favour.

The honourable gentleman made a great and material diſtinction between the juſt and honourable emoluments of government, and the profits fraudulently, becauſe ſecretly, obtained upon a loan. They were among the modern emoluments of government, which neither could be gained by ſervice, nor poſſeſſed with honour. The Miniſters of former periods, and particularly of that period which it was the cuſtom of the other ſide of the Houſe to deſcribe as prodigal, extravagant, and waſteful of the public money, were not ſo prodigal or waſteful as to make corrupt loans for the purpoſe of increaſing their power, by diſtributing it, when made, among their friends and expectants. The Miniſters he meant negotiated loans, and made their bargains upon ſuch terms, that they received a favour, not conferred a benefit, when they parted with the ſubſcription; and there was another leading feature in the loans and ſubſcriptions of former times, that when the monied men had no proſpect of private and perſonal intereſt to ſerve, that they gave government effectual ſupport, upon the moſt laudable and honourable motives, they ſupported them, becauſe they knew they were the able and willing friends of their country; that they were capable and honeſt, that they were ſupporting meaſures, not men. The confidence of the monied men of thoſe days was founded in experience; for they were convinced, that while they ſupported ſuch men, and ſuch meaſures, they were ultimately promoting their own intereſt, which was involved, in common with the reſt of their fellow ſubjects, in ſupporting the ſtate.

But, ſays the honourable gentleman, it is an illiberal aſperſion upon character, to ſay, that places or penſions, douceurs or contracts, are among the corrupt ſeducers of the human heart. To be ſure, it would be highly illiberal to ſuſpect, that a Member of Parliament ſhould be ſeduced by the good things of this life! It would be an aſperſion of the

moſt

most unjustifiable nature! What! a Member of Parliament! the dignity of whose situation, and the obligations of whose trust ought to raise him to an elevation of rank among his species, superior to all the little frailties and passions of the heart—to suspect him of dependence and servility, would be a libel on the human race! And yet, if there was a gentleman to be found, whose conduct in that House had been marked by an acrimonious opposition to the measures of the Minister in the outset—and a condescending approbation of them in the end—who had been distinguished by being the greatest enemy of the Minister, while he professed to be the friend; and of making arguments of pretended panegyric operate as censure and satire; and from whose animadversion and reprehension the noble Lord was remarked particularly to shrink. When it was observed, that such a gentleman in a critical moment abandoned, without even the formality of a reason, the friends and the principles which he had maintained, and became one of the most zealous and active partizans of that government which he previously reprobated; when it was observed, that he placed himself immediately behind the Treasury Bench, whispered the Minister, and became his avowed champion; and when they saw this gentleman rewarded with a place, people could not avoid suspecting that there was something like influence in a thousand or twelve hundred a year; and that it was corruption, and not principle, that had converted the enemy into the friend of the Minister. Such suspicions, he thought, might be entertained, without any great degree of illiberality, and without any great degree of injustice.

If he understood the object of the motion right, it was for an enquiry, and the grounds on which it was applied for, were the notorious extravagance of the loan, which indeed had been acknowledged, in a former debate, by the noble Lord in the blue ribbon himself; beside this, there was the great variety of important facts stated by his honourable friend, and which he had pledged himself to prove. He was not now to be told, that the bargain was irrevocable; the motion was silent on that subject; it only was directed to an enquiry. He would suppose, for argument sake, that the loan was not a bad one, under the several circumstances which might come out in the course of the enquiry. He would suppose, on the same ground, that the distribution was such as ought to have been made; but the question, as it presented itself in its present shape, was not, whether the whole was a fair, honourable

tranſaction, a good bargain for the public, and wiſely and equitably portioned out, or ſhared; but ſimply this; whether the enormous profit on the loan, connected with the ſtrong facts ſtated by his honourable friend, bore ſuch a *prima facie* appearance of corruption and partiality as to render it the duty of that Houſe to enquire into the ſuſpicious circumſtances and facts, ſo ſtated? In that light, he wiſhed and hoped the Houſe would conſider it, and in that light only could it be fairly or regularly argued. It was not proper for that Houſe, in that ſtage of the buſineſs, to conſider any man guilty or innocent. It was not decent. It was their buſineſs, and their duty too, to look at the nature of the accuſation made, and determine, whether or not it was worthy of inveſtigation?

The noble Lord, who ſpoke firſt on the other ſide, obſerved, that it would be cruel and inhuman to ſcrutinize into people's characters, or to weigh one man's credit, property, or conſequence, againſt another's. He would not ſay, that there was not ſomething in the objection, if fitly and properly applied. No man would be further from making invidious diſtinctions, or enquiries into people's private circumſtances, particularly perſons engaged in trading and mercantile tranſactions, yet, ſuppoſing that the motion ſhould paſs in its preſent form, means might be deviſed, either by giving an inſtruction to the Committee, or when in it, to reſtrain any idle, improper enquiries, originating in mere ſpleen or curioſity. The object of the motion was, he moſt ſincerely believed, totally different; but though it were not, the evil conſequences predicted by the noble Lord might be eaſily avoided. It ſurely could not be an injury, or give an alarm to credit, to enquire into the exiſtence of men, and ſuch an inquiry was abſolutely neceſſary, for there were many names on that liſt ſo obſcure that even their exiſtence was doubtful. He ſat down with ſignifying his hearty concurrence in the motion made by his honourable friend.

Mr. Adam Mr. *Adam* roſe as ſoon as Mr. Townſhend had concluded, and ſaid, he muſt be ſtupid and ſenſeleſs, not to ſee what every gentleman muſt have ſeen, that the honourable gentleman who ſpoke laſt had alluded to him in the courſe of his ſpeech. He denied that honourable gentleman, however, or any other, to impute any charge [illegible] under undue influence to him. When he firſt came into that Houſe, he came in [illegible] of age, perfectly independent and perfectly unconnected. He oppoſed the Miniſter [illegible] as he thought [illegible]

pursued for unjust purposes; but when the question changed, when the sole object was the maintaining the rights of the British legislature, and the preventing the independence of America, the question met with his entire approbation, and he had given his hearty and uniform approbation to every measure which meant to obtain the object in view; but even now, if the noble Lord's measures should appear to him more likely to do harm than good, if the noble Lord should ever adopt an idea of altering the British constitution, or should listen to any visionary project of innovation, he would as steadily oppose, as he now steadily supported him. With regard to the place he held, it was bestowed upon him unasked, and unsought for, and so far was he from any interest in the question of the day, he had neither directly nor indirectly a share in the loan.

Sir Richard Sutton took notice of an assertion which had fallen from Mr Byng, that many good houses had been rejected in this loan, and many bad houses had been received. By going into the inquiry, it was evident that the House would go into this dangerous and persecuting spirit of inquisition. He saw that it was only the forerunner of an enquiry, in which the noble Lord must, of course, be called upon to make his defence; and as he knew that to call upon a Minister to assign his reasons for preferring one banking house to another, might be attended with the most fatal consequences both to public and private credit, he would give his vote against any measure that should make it necessary for a Minister to defend himself by a method that must ruin others. *Sir Richard Sutton.*

Mr *Byng*. I beg not to be misrepresented. No word of imputation of irresponsibility has dropped from my mouth. Bad house was a term never made use of by me; the honourable Baronet is the first to use it. In candour I acknowledged many to be good, and I said, that if my list was examined, there would be seen the words creditable, and other expressions of the like nature. If I am guilty of any fault in this business, it is in suppression, I never touched even upon the bankrupt list; my feeling for the situation of the unfortunate checked me, and the list of footmen escaped me. Is not that a subject of enquiry? Even with these omissions, my task is disagreeable enough; that I stand in no need of the honourable Baronet's assistance to charge me with words I never uttered. *Mr Byng.*

Mr.

Mr. Joliffe.

Mr. *Joliffe* spoke against the motion, and said that as the loan had been approved by that House, and had passed into a law, he thought it was very unnecessary to enter now into a re-examination of its merits and demerits. It was as dangerous as it was unprofitable; for by this means they might disturb the monied interest by invidious inquiries, and deter men in a future year from assisting the public in their loan. What was the benefit proposed by the present inquiry? To make the last loan more advantageous for the public? No, it was not even pretended that this was the object, or the end of the proposed inquiry. It was not even suggested that the public were to be benefited in any other way than by the warning which it would give to ministers, how they made improvident bargains for the public. Was not this end fully accomplished by the responsibility in which the minister stood? Occasions might arise in which it might be for the interest of the public that the bargain should be made under all its circumstances of extravagance, and when it would be wrong in Parliament to interfere too hastily. This, he conceived, was one of those cases, and he was fully convinced that it would be wrong in the House to enter upon this inquiry; as, by that means they might suffer in another year all the hardships of distrust, in procuring the money necessary for carrying on the operations of government. No immediate benefit was to be derived, but there was much probable danger. No saving was to be made; no retrenchment, no diminution even of influence; the evils, if there were any in the last bargain, were already incurred, and he thought the House could not do any good by their inquiry, but they might do much harm.

The hon. Mr. St. John.

The honourable Mr. *St. John* said that diffidence and distrust became every young member who spoke in that assembly; that in a private capacity, he felt these as he ought to do, but that, as a member of Parliament, he felt a diffidence in the conduct of administration, that overcame all distrust in his own abilities, and induced him to utter his sentiments with that freedom which became every man who held a seat in that House. He went into a view of the profuse expences which had attended the American war; and from that and various other considerations inferred the necessity of public œconomy.

He

He highly approved of the motion on that principle, and ſaid that from the facts ſtated by the honourable gentleman who had ſeconded the motion (and which from the manner of his offering and pledging himſelf to prove them the Houſe could not reject) he thought they were called upon by every inducement of duty and reputation to refer the inquiry to a committee capable of examining and reporting the facts.

A ſhort pauſe now took place, and the queſtion was called for. The Lord Advocate and Mr. Fox roſe at the ſame time. They were both ſolicitous to give way and the conteſt of civility at laſt ended in favour of the former.

The *Lord Advocate* began with lamenting that he ſhould have had the misfortune to have ſtepped in to defeat, for a few minutes, the juſt and warm expectations of the Houſe of the delight and inſtruction they would have received from the talents and the oratory of the honourable gentleman on the other ſide of the way. He aſſured the Houſe that he would detain them from the promiſed entertainment but as ſhort a time as poſſible. He would be conciſe in the few obſervations which he had to make in anſwer to what had been alledged and aſſerted by the mover and ſeconder of the motion. He confeſſed the diſadvantages he laboured under; he ſaw, he ſaid, that oppoſing the motion would give the gentlemen on the other ſide a right to aſſume that all the various facts they had alledged, all the converſation anecdotes they had picked up, all the rumours they had collected without doors, were perfectly in point, perfectly correct, as they had ſtated them, and perfectly true in themſelves. He therefore ſhould make a virtue of the neceſſity he laboured under, and ſhould to direct his arguments in reply to what had been ſuppoſed, as not only matters of fact, but facts that could be proved. He would not avail himſelf of any parliamentary trick; but would meet the queſtion, entangled as it was with all this ſpecious and adſcititious matter, and give it his direct negative. He obſerved that the queſtion held out two conſiderations, and might therefore be divided into two heads.

The Lord Advocate.

One was the terms of the loan, or the bargain negotiated by the noble Lord near him and the ſubſcribers—the other the diſtribution of the loan itſelf. The motion was ſo evaſive as to include both theſe conſiderations, but in fact all the argument had gone to the diſtribution only, and that was the only part to which there was any neceſſity for an anſwer. With regard to theſe, he begged the Houſe to regard them as two diſtinct queſtions, by no means connected with each other.

other. So much had been ſaid on the firſt, on former occaſions, and ſo ably, that he ſhould neither take from others ſo much, nor aſſume to himſelf ſo greatly, as to ſuppoſe he could add any thing of weight upon that topic; he ſhould therefore content himſelf with adopting the noble Lord's poſition on a former day, viz. that the terms were the beſt he could obtain, and that he had no other alternative, than to take them, or let the neceſſary operations of government ſtand ſtill. for he had even waited till the laſt moment, till the army was within a day of the time, that had not the money for their pay been received, they muſt, according to act of Parliament, have been diſbanded.

He believed, allowing that the terms agreed upon by the noble Lord amounted to an improvident bargain, or that a better might be made, his Lordſhip had hitherto ſtood unimpeached on the ground of corruption. In the ſtrong contention of debate in that Houſe, among the numerous animadverſions made on his Lordſhip's conduct in point and diſcourſe, within and without theſe walls, in the [illegible] of the times, the numerous libels publiſhed, and newſpaper abuſe, his Lordſhip's perſonal character had hitherto ſecured entire. In the warmth of attack and party [illegible] which came from the oppoſite benches, his adverſaries, after having exhauſted every other topic of ſevere animadverſion, nevertheleſs abſtained from any thing which could affect his lordſhip as a man. Whatever faults they imputed in thoſe moments, when fact, truth, and reaſon, are ſometimes made to give way to paſſion and reſentment, his adverſaries were at all times ready to give him the credit of dealing with clean hands. When he heard therefore gentlemen contending, that the loan was diſadvantageous, unwiſe, impolitic, and even corrupt, he underſtood it in the ſenſe, he preſumed, in which it was intended; that the noble Lord had not made a good bargain, but that his Lordſhip having made a bad one, derived from that circumſtance no pecuniary advantage to himſelf. If that was the caſe, which he believed moſt ſincerely it was, the terms of the loan were clearly out of the queſtion.

He did not know whether it might be agreeable to his lordſhip, or in what manner he might take it, if he ſhould mention a circumſtance which confirmed him in theſe ſentiments more than even the united opinion of his lordſhip's friends and opponents. It was a circumſtance which came within his own particular knowledge, and he hoped the noble Lord would

would not be offended at his betraying what was said to him confidentially, when the noble Lord should recollect that, as the events it turned on were now past, he could do no harm; and it would evidently convince the House, if they put faith in what he said, that the noble lord had done all in his power to get better terms.

Some few days before the budget was opened, he took the liberty, he hoped it was not ill taken, of suggesting to his lordship the pressing necessity there was at so advanced a season to make the necessary provisions for the current services of the year; and further took the liberty to point out the necessity of opening the budget with all convenient expedition.

The noble Lord replied, that if he should then make a bargain for the public, he would be obliged to make it upon very disadvantageous terms. The funds were very low, and the prospect not favourable, whereas, by waiting a short time a circumstance might arise favourable to negotiation. He was in hopes every day of receiving the confirmation of an approach that had been made towards pacification. This news he expected with the change of the wind, and this was the cause of the delay. Without this, he had a prospect of something wh[illegible] terminate in a pacification. He must agree that the 3 [illegible] cent should be rated at 55; if on the other hand h[illegible] a prospect of a peace with some good foun[illegible] ground of probability (and at that time he had no [illegible] to [illegible] with any degree of confidence) he should be [illegible] to [illegible] bargain on terms much more favourable to the public. His Lordship accordingly waited, and when he was authorised to speak with more certainty, when he could tell the subscribers that there was a tendency or opening towards a peace, his lordship improved that circumstance to the public advantage. He could not charge his memory, but if he recollected right, the stocks which the subscribers rated at no more than 55 and 68 on the Friday, was on the Monday estimated, when the bargain was struck at 58 and 70.

Here then was the most indisputable proof, that the noble lord, so far from wishing or intending, much less having actually made a corrupt bargain for any bad purpose, acted with all possible integrity and industry to improve circumstances, not known, to the advantage of the public. The noble Lord, if he wished to make a corrupt bargain, to promote the views imputed to him, might have done it beyond

the possibility of detection. He might, in the first instance, have concealed his private expectations; he might, in the second, have concealed his real information, and, in either event, have taken out of the pockets of the public, and put into those of his friends, four or five hundred thousand pounds.

The honourable baronet who made the motion, and the honourable gentleman who seconded it, had made use of very strong arguments, and the latter had stated very strong facts. He should not now take up the time of the House in combating the one, or disproving or controverting the other.

He would, in the form of argument and concession, presume that the bargain was the worst that could be made, with the reservation already expressed, that of doing away any imputation, direct or implied, on the motives or conduct of the noble lord, as to the terms, believing, nay, being convinced, that they were the very best it was in his Lordship's power to make. But waving that for the present, he would suppose the bargain a bad or improvident one; he would suppose the charge of partiality to be well founded, that the friends and supporters of the noble lord were served, to the exclusion of those who were none, or suspected not to be so; that those who supported his lordship's measures had a mark put upon them, while those who had rendered themselves only conspicuous for reprobating his measures, were of course pointed out for a different purpose. All this he was willing to suppose, in order to meet the arguments urged against the noble lord. He begged, under those circumstances, strong as they were stated and imagined, to know what possible good or public benefit could result from the present enquiry. It had been urged (he observed) that it was improper for members of Parliament to subscribe; this was what he could not admit, nor could he see any reason why a gentleman should, by becoming a member of Parliament, forfeit the right of serving his country and himself in a fair and honourable way. But, said gentlemen, members of Parliament themselves were convinced that it was improper for them to subscribe, as they were ashamed to have their own name set down in the subscription list. This was no proof at all of the impropriety of the act: it only proved that those gentlemen who had done so, if any such there were, had weak nerves; and indeed after that day's debate he should not be surprised if every man of weak nerves should be afraid to set his name to a subscription, as he must thereby expose himself to so many invidious,

invidious, illiberal, ironical, sneering animadversions upon his character and motives. Some men were more modest than others, or they had weaker nerves, or more timidity; they might not be fond of incurring the reports and comments of the newspapers, and the orators, and the libellers of the day. If, therefore, a gentleman who had 50,000l. in the hands of his banker, should say to a minister, "I am willing to serve my country with this sum; but as I do not like to be ridiculed, laughed, and sneered at by every member of Parliament, who, without knowing my motives, may think proper nevertheless to ascribe the worst to me, I shall lend my money upon this condition only, that some other person's name shall stand for mine; but whether he be solvent or not, no matter, as I shall be responsible for the payment." If a gentleman should make such a proposition, and a minister should comply with it, is there a man who would venture to say there was any thing unfair, any thing corrupt in the transaction? Undoubtedly not. Was there any law against it? Was there practice and custom against it? The noble Lord was not surely the first minister who served his friends in preference to his adversaries. He had made the best bargain in his power under the given circumstances; and if there was any advantage derivable from the transaction, surely it could not be deemed a crime in the noble Lord to give a preference. Other times and other ministers, it was said, exhibited other scenes. He spoke only of the current language of the times. He did not vouch for their truth; but he could not be so totally uninformed of the transactions of those times, as not to have heard that men in high office had not only been charged with making an improper distribution among their friends, but also of confining some small share of the benefit to themselves. The minister must necessarily be entrusted with the settling of loans and subscriptions, and he stood responsible to the public for the due payment of the several instalments; whoever then would institute an enquiry to make the noble lord account for the preferences he had given, would cut at the root of that responsibility, and release the minister from his duties to the people, for he could not be responsible without an uncontrouled, discretionary power in selecting his subscribers; and would Parliament, in its sober senses, wish to take away that responsibility from the head of a minister, and place it in a committee of that House? He should hope that sound policy would make them

see the impropriety of such a measure. He doubted not, as had been asserted, that the noble lord had been partial to his friends, in opposition to his enemies. It was natural and just to be so, and a minister must be a mere lump of ice, divested of passions, of friendship and feeling, could he surmount this kind of partiality. Nor was it unnatural that, abstracted from the desire of favouring his supporters, he might feel a greater degree of confidence in men of that description, than in his opponents.

Much had been said of the great influence the present loan threw into the scale of government. For his part, granting every fact he heard urged in the course of the evening to be strictly true, he was prepared and entitled to draw a very different conclusion. Every argument, in his opinion, bore the other way. If the loan was so very profitable as it had been described, it was to be presumed he had of course many competitors for his favours. He did not speak hypothetically, he spoke from his own knowledge and experience. If it was a favour, the noble lord had not favours to grant to all who might think they were entitled to them. He had proved it. Almost every person that he met in the streets and coffee-houses complained loudly of the bad treatment they had met with, or of their ill-fortune. The constant salutation that he met from the friends of the minister was, "It's damned hard, I have only got 10,000l." So, that in fact, those who had got, as well as those who had not, were dissatisfied; and the noble lord was in fact, and in truth, likely to make more enemies than he had gained friends by the business. The learned gentleman now said he had answered, and he trusted to the satisfaction of the House, the material facts alledged in support of the motion. He hoped that the House would see the danger and the inutility of the motion; if it was intended to institute an inquisition into the credit and responsibility of the subscribers, it would be dangerous and tyrannical. If it was intended to inquire into their rank and situation, from motives of wanton curiosity, without any purpose of striking them from the list, if they were found unfit, it was an idle and an invidious office. If it was meant to alter the terms of the loan, or to take from the head of the minister the responsibility under which he now stood, it would be an unwise and perhaps a fatal resolution. Parliament had always proceeded on the old, wise, and constitutional idea of having a responsibility somewhere for every public act of government. In the instance of the

 loan,

loan, they had placed the responsibility on the shoulders of the Chancellor of the Exchequer, and having done so, he was authorised to make the loan, not to please one side of the House or the other, but so as should best satisfy himself that the subscription, every consequence of which he was to be responsible for, was perfectly secure. He advised the House therefore by no means to lessen that constitutional responsibility, a circumstance which the present motion chiefly tended to effect, and which therefore he should oppose, as likely to do infinite mischief.

Mr. *Fox* now rose, and entered into a circumstantial answer to the arguments of the honourable and learned lord. When he rose, he imagined that he meant to offer his reasons why the House should not go into an enquiry into the conduct of the noble lord in the blue ribbon, for he considered it as a direct, personal accusation of the minister, in this public transaction; but, to his astonishment, the learned gentleman had not urged a single syllable in his justification. When therefore he was proceeding seemingly to answer the noble lord, he could hardly discover an argument, or a fact, to which there was occasion for a reply. The reason was plain. The learned lord had said, with his usual address and ability, a variety of most ingenious things, but not a word, phrase, or argument to the question; the learned lord, in all his speeches, he was sorry to say, betrayed a disposition to measures and political doctrines inimical to, if not directly subversive of the constitution, and favourable to the introduction of arbitrary power. But how had his lordship entertained the House on this occasion? In laying down principles of a direct contrary nature, from which, however, he drew delusive, and, in the present moment of corruption and depravity, impracticable conclusions. The noble lord had laboured strenuously to prove what no person on his side of the House would dispute, and no one on any side dare avowedly to deny, "That ministers were responsible for their conduct, and liable to be brought to an account for the exercise of these powers with which they were vested by the constitution, for the purposes of government." But for what purpose had he said so? Why had he so warmly trumpeted the responsibility of ministers, and particularly of the noble lord in the blue ribbon? For what, but in the same breath to defeat the use and the end of that responsibility, and to convince the House that they ought not to exercise their right and power; to shew that the noble lord was in fact not responsible in this instance,

Mr. Fox.

instance, for if there was any blame, or any corruption, or any finister purposes in view, by the late bargain, it was not the noble lord who was the criminal, for the noble lord was honest, and every body acknowledged that he had clean hands; his secretary, his friend, Mr. Atkinson, or any other man might be guilty, except the noble lord. If the House complains of the conduct of the minister, the accuser immediately answers, "Oh! he is responsible." If they call for an enquiry into that conduct, and think it necessary to exercise their powers of calling him to an account, "Oh! he is irresponsible in that case, for being honest and disinterested he could not be guilty." Thus his responsibility in one instance is to silence complaint, his irresponsibility in another, is to stifle enquiry. It was upon such a style of argument and reasoning, that the noble lord's conduct had been attempted to be defended by so zealous a friend, and so powerful an advocate; and these were the reasons urged with so much confidence to shew, that the loan, having been negotiated by others, his lordship is free from all blame. But when the object of the question is not to fix blame, but to know where it ought to be fixed, the House is then informed it is perfectly needless to take any trouble or concern in the matter; it signifies not, who did this, or who did that, who did subscribe, and who did not subscribe, whether they are living men, or whether they are dead, whether they are members of Parliament, or whether they are footmen, whether they are bankers, or whether they are bankers clerks; all this is perfectly indifferent, for the noble lord is solely and exclusively responsible.

After presenting this argument in a great variety of shapes, he proceeded to another point which had been much argued. "That the bargain had been approved of by that House, and that the terms had received all the sanctions from the legislature necessary to give it the force and efficacy of a law; and that consequently it would be nugatory in this instance, and dangerous in point of precedent, to attempt to undo what had been established by all the forms of the constitution. Nugatory, because the evil, if any existed, was committed and was irremediable; dangerous, because in future, it might prevent the minister from borrowing upon almost any terms, which would more than balance any possible advantage which might be derived from the enquiry.

There was one general short answer to all this, that if the loan was a corrupt or improvident one, or corruptly distributed

buted, that the public had a right to have it reviewed; and that public faith, and the faith of that House, stood no farther pledged to the performance of *any* one engagement made in their behalf, by those entrusted with the exercise of the executive power, than the measure was founded in equity and justice, and appeared to be a fair *bona fide* transaction. In the present instance, there was *prima facie* evidence that the bargain was corrupt, that it was shamefully wasteful and improvident, and its distribution was such as to hold out more than presumptive or hypothetical proofs, that the public were *robbed* and *cheated* in the first instance, and the money of which they were so notoriously plundered, employed to the effecting the very worst and most abandoned purposes.

This was a general answer to a general argument, but when the particular circumstances which, he observed, formed the ground of the present motion, as stated by his Hon. friend, not even a pretence for a moment longer existed upon the ground of general reasoning. Some men, as good as any in the city, had been totally rejected, others, of a like description, had not got a tenth, or twentieth of what they had wrote for; others again, he would allow good men, had got enormous sums; while, besides, the number of mendicant, poor, obscure persons, nominal people, &c. had had their names set down for most enormous sums.

So far as to the point of distribution; then as to the actual conduct of the noble Lord in the blue ribbon, independent of those who might have abused his Lordship's confidence. This noble Lord, whom the learned advocate described as responsible, was exclusively responsible in the instance he was about to mention. He should have no occasion, he presumed, to go into an inquiry to get at proofs, because it must have been known to, and within the recollection of every person who now heard him.

He would, for argument's sake, suppose that the loan was made upon the best terms;—but he could never agree that the noble Lord was justified in fraudulently concealing the real terms from that House, and holding out others of totally a *different* nature. His private Secretary, Mr. Atkinson, or Mr. Atkinson's brother, could not have imposed upon his Lordship. The fact he alluded to was this:—the day the noble Lord opened the budget, he stated the 150 three per cents at 87l. or 58 per cent. and the 25l. 4 per cents at 17l. 10s. computed at 70, and the lottery ticket, at about 1l. making in the whole 105l. 10s. or a *bonus* or profit of 5l. 10s. Let this bargain

gain have been [illegible] which he should by and by prove it was, it had every appearance of candour and openness.—If it was a *bad* bargain, it was an *open* one. If it received the sanction of the majority of that House upon the worst of motives, which he believed most sincerely it did, the minister could not be charged with *fraud* as well as *rapine*, but when to this 5l. 10s. there was added 2l. 13s. which of course increased the *bonus*, which was nominally valued at 5l. 12s. to 8l. 3s. 4d. this he contended was not only an high *breach* of *parliamentary* trust, but it was picking the pockets of the public, to the amount of between *three* and *four hundred thousand pounds*, in *addition* to upwards of six hundred thousand, and taken out of those pockets in a more direct manner.

It was an insult put upon Parliament, which called for most signal and exemplary punishment; it was base and scandalous to hold out to that house, that the *bonus* was only five pounds ten, when it was eight pounds three shillings; and servile and obedient as the House was *known* to be to the wishes and mandates of the Minister, he protested most solemnly, that he believed *shame* would have prevailed in that instance over *corruption*; and if the House had been informed *at the time* that they were paying away eight per cent. or a *million* of money for the loan, with a capital debt nearly doubled, he believed the noble Lord would have for once been out-voted.

His Hon. friend who made the motion had pointed out the two sources of this additional increase—the *discount* on the prompt, or rather previous payments of the several instalments, into which the subscription had been divided, and the commencement of interest, from the beginning of the year, though the first payment was not to be made till the middle of the current month.

It was not therefore at all surprising, that the *omnium* sold the first day at so high a premium, because in the nature of things it could not have happened otherwise; for on that day, comparing the prices of the several stocks, allowing nothing for speculation, or gambling in the Alley, the day after the Budget was opened, the *omnium* was intrinsically worth eight pounds three shillings.

It was true, that in the course of the last week, it had fallen for one or two days below that price, which he estimated at *par*, but had since again got up to its *natural* level, and his Hon. friend under the gallery, who seconded the motion, had assigned

[illegible] Hon. gentleman [illegible] in order to [illegible] the subject of this enquiry, which the noble Lord and his dependants so much dreaded, Mr. Atkinson, on the Monday, went into the Alley, and sold 100,000l. stock, and the next day as much more. What was the language of Mr. Atkinson and his friends, on that occasion? "The stock must be *depreciated*, a *part* must be *sent in*; the market must be *glutted*; the measure is become necessary," but even with all these artifices, and with promises, most likely that the *friends* of Government should be no losers, they were not able to bring down the *omnium* lower than 6-1half, and that only for a single day. It afterwards gradually continued to rise, and was now, as he had heard stated, up at its *intrinsic* value. Allowing, therefore, for the effect of speculation on one side, and the artifices used to depreciate the stock on the other, as well as the number of needy adventurers, that had been forced to come to market in order to avoid the first payment, he believed he was fully authorized to affirm that the *bonus*, both in computation, real value, and market price, was clearly worth to the subscriber, eight pounds and three shillings *per cent*.

His deduction from those facts were, that the noble Lord, as Finance Minister, was highly criminal in his own personal conduct, in so grossly deceiving and fraudulently imposing upon that House, that his baseness in concealing the real terms, was only equalled by his guilt in agreeing to them, and that if no other fact but that of concealment alone were to be adduced against him, it was sufficient to prove that he had made a corrupt bargain with an evil design, namely, with an intention of corrupting whoever, within or without that House, might be fit instruments of supporting his power, or increasing his influence

The learned Lord had trumpeted forth the praises of the noble Lord in the blue ribbon, and made his eulogy in very high terms of panegyric. He had mixed in the course of his oration a particular fact which came within his own knowledge. The noble Lord had told him this, the noble Lord had told him that, the learned Lord gave his opinion unsought, and forgot to say whether any grateful acknowledgment had been made. The learned Lord had appeared in several characters in that House, he had now added another to them. He had held himself forth as the noble Lord's adviser, but what does all this mighty information amount to, supposing it to be correctly and faithfully stated? to this —to the confirmation of

what the noble Lord himſelf told the Committee the firſt day of opening the loan, that the ſubſcribers would give no more than 55 for 3 per cents. and 68 for 4 per cents. but that waiting from the Friday till Monday, in the interim, news of a tendency to peace arrived, and that his Lordſhip profited of the intelligence, the conſequence of which was, that the former were valued in the bargain' with the ſubſcribers at 58, and the latter at 70. Now the effect of the above curious narrative was no more than the merit ariſing from not giving eleven inſtead of eight per cent. profit on the omnium, and in argument it was fair to ſay, that was no merit at all, for it might be dangerous to make too bad a bargain, a middling bad one might, and he was ſure would, have anſwered every purpoſe of the noble Lord better than a groſs, notorious, flagrant bad one. There was a knack in cheating, which would in ſome meaſure inſure the property, as well as temporary poſſeſſion of fraudulent gain, whereas, when the fraud was too palpable and groſs, the enormity of the impoſition riſqued a loſs of the whole.

But what did this prove, allowing it to be true in its fulleſt extent? That the noble Lord was a perſon of private integrity that he was above being guilty of peculation, for his own private advantage, and conſequently that his hands were clean of the public money He did not want to be told all this by the learned Lord, he had every reaſon to believe it to be true, but what then? The noble Lord's hands are clean the loan might be a bad or good one, but whether good or bad, the noble Lord is a diſintereſted perſon. Now, for his part, in every point of view, he could not help thinking that it was a public misfortune that the noble Lord's hands were clean, whilſt thoſe of his friends and dependants were ſo dirty and intereſted It would have been better for the nation, in every reſpect, that half the profits had gone into the pockets of the noble Lord, and the other half had been ſet off to the credit of the nation, than diverted to the pernicious and corrupt purpoſes to which they had been diverted. He knew the noble Lord's caution and addreſs, he was perſuaded that in ſuch a caſe the tranſaction would have been ſo conducted, as not to give public ſcandal or offence, beſides, his Lordſhip would act, it might be preſumed, with particular caution, and be careful of riſking too much, or truſting to events which might draw after them the puniſhment ſuch a crime, if diſcovered, would deſerve. In the preſent inſtance he might be as laviſh as he pleaſed

pleaſed; he was innocent! Why ſo? Becauſe he was diſintereſted. This was a mere ſpecious, deceptious pretence; it was full of fallacy; the noble Lord, though his hands might be clean, was not diſintereſted; if he made an improvident bargain for the purpoſe of corrupting the Members of that Houſe; if he employed the influence ariſing from that corruption to the ſupport of his own power, he was not an innocent but a guilty man, highly meriting public execration, and exemplary puniſhment.

That he had done it in the preſent inſtance was ſelf-evident. The noble Lord would never have been invited into office, but upon condition of promiſing to *carry* into execution the meaſures *chalked* out to him reſpecting America. He would have not been ſuffered to *remain* in office, had he refuſed to carry on the American war. Had the nation been left to its own free, unbiaſſed judgment, it would never have conſented, at leaſt if it had, it would never have perſiſted in the obſtinate proſecution of it, after certain events had taken place, after France and Spain had ſeverally declared againſt us. His acquieſcence in thoſe weak and wicked meaſures, in madly *commencing*, and *more* madly *perſevering* in that accurſed war, was the price of his place. His power could not be upheld without influence, nor that influence be procured without corruption. Would any gentleman contend, when one man made profits within a year, by contracts, equal to an ample fortune; when another's ſtated income was equal to a princely revenue; when a third got half a million, a hundred thouſand, or forty thouſand pounds *omnium*, equal to an annual income of twenty, ten, eight, five, or even one thouſand pounds—Was there any man who heard him who could *believe* or ſuggeſt a doubt, that perſons coming within thoſe deſcriptions had a *free* choice or *unbiaſſed* judgment? Was it to be ſuppoſed, that they could prefer the intereſt of their country to the amaſſing great and ſplendid fortunes, or to anſwer their immediate wants? It was abſurd and monſtrous even to mention or preſs it ſeriouſly in argument: when, therefore, it was ſaid, directly, or implied, that the noble Lord in the blue ribbon was a *diſintereſted* man, *becauſe* he derived no immediate pecuniary emolument from the tranſaction under conſideration, it betrayed great art, or a total ignorance of human nature, and of the noble Lord.

It was true, the noble Lord had often aſſerted in that Houſe, and he preſumed out of it, that he never ſought his preſent ſituation; wiſhed not to retain it; but to get out of

it as soon as another fit person could be got to succeed. Yet it was not the assertions of the noble Lord, but his conduct, which was to weigh with the public. He had felt mortifications sufficient to render any man but himself tired of his situation; it was therefore fair to conclude, notwithstanding what the noble Lord might pretend to the contrary, that the love of office, and love of power, were predominant in his mind; so predominant, that he was ready to sacrifice every thing in the first instance to obtain them, and every thing in the second to keep them when obtained.

If this then was the real complexion of the man, and the true texture of his Lordship's mind; if corruption begot influence, if influence begot power, and power ensured him a continuance in office, which seemed to be the uniform and steady object of all his pursuits—the learned Lord's argument was fallacious, and meant to deceive and mislead those to whom it was addressed, or it was founded in the grossest error. The noble Lord was not a disinterested man, but for the sake of power and place was ready to hazard every thing, and secure and promote his own views by any means. He had promised the people of England, and the country gentlemen, an American revenue to lighten their burdens, when he knew very well that it was totally impracticable; but it was his interest to do so. He had run the nation fifty millions in debt, and sacrificed an hundred thousand lives in the quarrel, when he was persuaded that the money would be thrown away, and the blood of his fellow-subjects spilt in vain. These were his promises; how far had he performed them? The people were oppressed with taxes beyond bearing. Every necessary of life, or comfortable enjoyment, came doubly advanced in price to the impoverished and half starved consumer; under the pretended name of luxuries, his beverage, whether small or strong, tobacco, sugar, and all the articles which, to a poor man, might be deemed comforts, were raised; even salt; nay, the very light of Heaven was denied him. In the few moments of relaxation from toil and labour, when he might wish for the light of Heaven to chear him, his very windows were obliged to be closed up, in order to escape the cravings of the rapacious tax-gatherer, and if a chink was still left open, he understood that it was in the contemplation of the noble Lord to compel the devoted, impoverished, though laborious and industrious man, to stop it up, by a new tax upon that right of nature. But what of all that? Millions upon millions were to be yearly lavished; oceans of blood

blood to be spilt; the last shilling was to be filched, or picked out of the pocket of the most useful part of the community. All Europe was to be menaced and invited to single combat with this devoted country, and the earnings thus extorted were to be picked out of the pockets of the people, to be transferred into those of the noble Lord's friends—and for what? not to recover America—America was given up [illegible], but to support the noble Lord's power, which depended upon the wild and romantic expectation of subduing America, which was, he was persuaded, irrecoverably lost. These were the merits, these were the claims on which the noble Lord was entitled to be considered as a disinterested man.

After having been very full on the disinterestedness of the noble Lord, he entered into particulars respecting the loan, and its distribution.

The learned Lord had left every part of the distribution undefended, but what respected a description of men in that House, whom he was pleased to call timid, and affected with weak nerves; he expected the noble Lord would have further urged the plea of weak nerves. Those gentlemen, he says, dislike clamour, have an horror to be made the subject of public animadversion, and of being held forth in news-papers, and other libellous and licentious publications: now how a man could possibly be uneasy, or suffer in his feelings, on having his conduct animadverted upon, when conscious of acting *right*, not only of acting in the known capacity of a Member of that House, as had been contended for by the learned Lord, (he meant the character of a subscriber) but as a friend to his country, was more than he could well account for. It was a lawful act in the first place; it was a mark of the Minister's *favour* and *regard*; it was commendable to support Government. How then could such public claims of merit be supposed to affect the nerves? It might to some seem paradoxical, but when explained would effect two things: it would shew that those gentlemen's nerves were not so radically weak as people might be apt to imagine:——it would shew, that however *conscious* of their own *innocence*, they dare not trust to appearances, nor meet public opinion. He would speak out:—the truth was, that those gentlemen had got part of the subscription under nominal or ideal names: it was equally evident that they *knew* the loan was a *bad* one, and they *felt*, for reasons best known to themselves, that it was a *corrupt* one. They were desirous therefore to enjoy the advantages,

vantages, without sharing the deserved odium their conduct would draw after it. They were persons whose characters, though long suspected, had not been yet publickly known or decided. They shrunk from what others equally corrupt boldly met, who, if they had no other merit, had not the baseness attached to those weak nerves They might have their reasons too. they would go down to their constituents, those very constituents whom they had plundered, and share the plunder with all the pretended virtue of honest men, and with an air of confidence, and a sham of hypocrisy, join in the general censure and resentment, due to those who for place and emolument had sold their country, while they themselves, without any claim of merit, any duty annexed, and with a false character, had deposited in their pockets five, or perhaps ten times the sum that the pensioner or placeman derived from his grant or office.

The honourable gentleman who spoke early on the other side, and the learned Lord, talked of former administrations, and the sources of influence they possessed and employed. The argument might be a good one upon any other occasion but the present, for he should state a few facts, which, he trusted, would prove beyond question that loans or corrupt distributions constituted no part of the influence of the Crown in those days. He was ready to admit the general argument, but not the application. He was fully sensible that every administration that ever had, or ever might exist in this country, would make a difference between their friends and adversaries, their supporters and opponents. It was a natural consequence of political connection; and it would be monstrous indeed if Ministers should set a mark upon their friends, and cherish and favour their opponents. So far the principle of connection and favour was justified by experience. But when it was contended, as it had been on this day, that be the loan ever so bad or corrupt, or its distribution ever so partial, the noble Lord had acted right. This was at once acknowledging that the loan was so made, for the very purpose the motion was directed to discover, and therefore it was not making use of an old established source of influence, for the strength and support of government, but creating the means of influence never before thought of but in one single instance.

He then read the *bonus* on the omnium on the opening of the budgets of 1758, 1759, 1760, 1761, the last year of the Duke of Newcastle's administration, and 1762, during that of Lord Bute. The first of those years the *bonus* was but

1 1-4th

1 1-4th on two millions, the next at 1-half per cent. discount on four millions, the third at 1 1-half, the fourth about 1 a 3-4ths, though twelve millions were borrowed both years. This noble Duke in all his loans had shewn what it is the duty, and what the virtue of a Minister to observe. This was a time of war, and it was the time which the friends of the present Ministry thought proper to select and brand with the name of extravagance; and yet in all these times, it was not discovered, that douceurs on loans were among the sources of ministerial influence. Lord Bute's loan was the first instance of abandoned extravagance in this way. The principle was then introduced, and his was the only example to be found in the history of this country. At one time it rose, he believed, so high as 9 per cent. but then it was not the terms but the extraordinary advance upon the lottery ticket, which rose to four pounds ten shillings, on account that there were two lotteries that year. Thus it was clear, that the influence created by the loan was of modern invention, that never operated but once, and that partly from the reason he mentioned, and perhaps other unforeseen, adventitious causes.

After answering Mr. Adam very fully, and replying almost to every thing which had been urged on the other side, he recommenced a second attack upon the noble Lord in the blue ribbon, reminding his Lordship of having dared his honourable friend who seconded the motion, and now, when he accepted of the challenge, basely sneaking away, and covering himself from open shame, public detection, and conviction, through the means of a servile and devoted majority. He then recapitulated all the leading heads of his speech, and called upon the noble Lord to stand forth boldly, like a man, and defend himself, or by his silence confess that he was fairly convicted of having made an improvident and corrupt bargain in the character of public trustee, and of having prostituted the power of his office to the most abandoned, wicked, pernicious, and dishonest purposes.

Lord North, after a few introductory observations, said, he made no doubt but his conduct throughout the whole of the loan, and the distribution of it, was such as would be sufficient to justify him the opinion of that House and the public, and that it was the most advantageous that could possibly be made, under the given circumstances. He had been charged with having negotiated and made a bargain for the public upon the most corrupt motives, and to effect the most pernicious purposes. He had been accused of having plundered the public, and of picking the pockets of the people. Lord North.

These were heavy accusations, and called for a proof suitable to the enormity of the crimes imputed to him. He could say, that they were unfounded and unjust. He was ready to acknowledge, that from subsequent circumstances, the bargain had proved rather disadvantageous to the public; he was sorry for it: but he could fairly and truly declare, that it was no fault of his that it had done so. The honourable gentleman, with his wonted ability and flow of language, had endeavoured to fix the charges of fraud and concealment upon him, on account of his manner of stating the profits which would accrue to the subscribers, and had, upon that presumption, accused him of having deceived and misled that House. He was happy in having so many witnesses present now, who were likewise present at the transaction, which was supposed to give birth to that charge. The conclusion drawn from the fact, if true, was not, however, well founded, for the profits upon the discounts were by no means so much as what had been stated by the honourable Baronet who made the motion, or the honourable gentleman who had followed his computations: nor was the interest arising between the day of the first payment so considerable as it had been represented. The interest did not commence but from the month of January; the first payment was made on Thursday se'nnight, an interval only of between six and seven weeks; consequently the computation was erroneous, the extra profits not being much more than half what had been mentioned by the two honourable gentlemen. So much as to the amount of the concealment; as to the concealment itself, he would just state what grounds there were for that accusation. He was ready to confess, that when he made up the account, he stated the *bonus* only at 5l. 10s. and in this, he flattered himself, he was fully justified by the custom and the usages of that House; and that in omitting to add those profits, he by no means intended to conceal any part of them, nor in fact did conceal them; for though he had not mentioned them as constituting a part of the *bonus*, he enumerated them in the usual and established language of the Chancellors of the Exchequer, and others in office.

He appealed to gentlemen, if, when he talked of the surplus of the new taxes, he did not add, that that surplus, in the first instance, would be applied to the payment of the interest incurred between the preceeding day the stock was to bear interest, and the day of the first payment; he was persuaded, there was not an honourable gentleman that heard him

him, who would not bear testimony to the truth of that assertion. As to the discount on the loan, or respective instalments, it was the constant usage of Parliament to allow it upon prompt deposits; it had been the invariable rule of Parliament and office, as long as he knew any thing of either; he, therefore, thought it totally unnecessary to particularise these two advantages. The nature of it was this; that if, before the respective days of payment, a subscriber or holder of scrip came and tendered the sum growing due, he received a discount of three per cent. this, it was clear, was not an absolute, consequential advantage vested in the subscriber, but a conditional one, of which he might or might not avail himself: the discount did not run through the whole time, nor continue a year; it was frequently not convenient to the subscriber to advance his money before the regular day of payment; consequently, under these several circumstances, he was intitled to affirm, that instead of three per cent. on the loan, the discount did not amount to one and a half; and as to the commencement of interest from an antecedent day, it was the same in all loans; so that, whether the fact of concealment was considered, on the amount of those two species of additional profit, which he had not computed, or added to the 5l. 10s. *bonus*, he was well warranted to say, that there was no actual or implied concealment, in one instance, and that the profits said to be concealed in the other, were not any thing like what they had been represented. But independent of what he said at the time of opening the budget, or of what he had a right to avail himself, as established by custom, he had one other answer, which should suffice in place of all the rest, he appealed to the written documents on the table, to the Journals of the House, whether in the resolutions which he moved, the discounts on the prompt, or previous payment of the several instalments, and the commencement of the interest of the loan at an antecedent day, were not specifically stated? The concealment, therefore, imputed to him, amounted to this: a resolution moved in a very full committee; a resolution at the time fully investigated and discussed; a resolution, debated upon the report, and finally agreed to by the House. If this was adding fraud to rapine, and picking the pockets of that House and the nation, he was guilty; if not, then he was free to say, that the accusation must have originated in great ignorance, or premeditated falsehood.

The bargain, called a corrupt bargain, and secretly trans-

acted, could not be in any sense called so. It was neither secret nor corrupt, and he would give his reasons.

That it was not secret, it was enough to observe, that the transaction happened in the presence of several witnesses, that every negotiation, previous to its being finally struck, was open. It was usual for the Treasury, on such occasions, to apply to the monied men, in consequence of which appointments and interviews succeeded. The current price of stocks was the basis on which both parties proceeded. Three per cents were at the time at 58, and 4 per cents. in proportion. He wished to have the former estimated at the prices which afterwards took place; but after many reasons offered, and much conversation, the gentlemen with whom he treated, stood peremptorily at 55 for the 3 per cents. and 68 for the 4 per cents. in consequence of which the negociation seemed to be at a end, and he parted with the gentlemen on the idea that nothing more could be done with them in the business.

In the interim, accounts were received, which seemed to lead to a pacification. The stocks rose in consequence of this prospect; and therefore when the gentlemen with whom he treated met him on the Monday, though they continued to adhere to the same principle of computation, they offered the same terms on the Monday, which they had before refused. They were contented to take the 3 per cents. at 58 instead of 55, and the 4 per cents. at 70 instead of 68, which was their first proposition.

Upon these terms the bargain was struck, and here he begged leave to make an observation or two The negotiation was of some continuance; reasons were urged, and propositions were made on both sides; both parties adhered to their own ideas, and the negotiation broke off in consequence of the difference of opinion which arose between the negotiating parties.

It was fair to presume, under these circumstances, that it was not a corrupt bargain: it was clear it could not be a secret one, and for this reason, because every thing which passed between the Treasury Board, and those who were consulted as to the terms of the loan, passed in the presence of thirty persons or more.

He could not think, all circumstances weighed, that the terms offered by the subscribers were exorbitant, considering the price of stocks at the time; nor could he much less think, that the bargain was an improvident, or apparently disadvantageous one when struck; and if for no other reason, for the following: the stock to be funded was 18 millions 3 per cent. and

and three millions 4 per cent. The subscribers, who were composed of some of the Directors of the Bank, East-India and other companies, bankers, and others, laid particular stress upon so great a quantity of stock coming suddenly into the market, and the effect it must necessarily have on the price of the other funds. When, therefore, at one period (on the Friday) 3 per cents. were at 58: and afterwards (on Monday) when they were 61, it was natural to presume, that the plenty, or overflow of stock, would lower its nominal value. He confessed he felt it in that light himself, though, perhaps, not to the extent it was urged; and though the speculation was not exactly confirmed by the event, he could not help thinking it at all improbable or ill-founded. The reports of an approaching pacification gave a value to all the funds, which, perhaps, would not be otherwise allowed them; and when there was a prospect of a rising profit, it was reasonable to presume, that much would be hazarded on the principle of speculation.

Some other modes of raising the supplies, he acknowledged, had been suggested in the Committee; but he was pleased to find, that none of them united the two principal objects he had in view so well as that he adopted. Much had been said about an encrease of capital. As he said then, the object of capital was nothing, or next to nothing; his wish was to procure the money upon the best terms; that is, upon terms which would call for the smallest annual payments. He had effected it; for if he had adopted the only plan which was suggested, he must have loaded the nation upwards of 100,000l. a year more than by the terms of the present loan it was obliged to pay: that is, instead of 660,000l. the nation would be loaded with an annual payment of 780,000l. so that so far from wantonly or unnecessarily loading the nation, the loan negotiated had a direct contrary effect: for instead of adding to the burdens of the people, it tended to lighten them in the proportion of more than one part out of seven.

It was much pressed, as a proof of the improper distribution of the subscription, that those who lost by the loan of 1778, were either totally excluded, or such as were not, got in the present but a very small proportion of what they wrote for. The fact might be true as stated, though he did not know it was; and yet those gentlemen who subscribed in 1778, but who had no part of the present subscription, would have no right to complain; for there had been two profitable loans to the subscribers since, and it might be presumed, that

the loſers at the former period might have been partakers of the profits ſince, and have been made ample amends for their former diſappointment.

He heard ſeveral names mentioned, Meſſrs Stratton and Co. Mr. Bordieu, &c. He did not recollect the firſt. He remembered Mr. Bordieu, and recollected well, that he had been a conſiderable ſubſcriber laſt year, if not the year before; conſequently, though he had been a loſer in 1778, the profits he might have made ſince, it was probable, more than compenſated his former loſs.

But he did not think himſelf exactly bound to anſwer for events of this nature. It was probable, that gentlemen who ſubſcribed in 1778, ſubſcribed with a proſpect of advantage; and there was no doubt but a riſque attended every tranſaction of this nature. He was free to confeſs, that he could not undertake to make ſuch a diſtribution as was likely to pleaſe all. In 1778, there were but 240 perſons offered; in 1779, ſix hundred and odd; in 1780, eleven hundred and upwards; and in the preſent year, ſixteen hundred.

He would ſubmit to gentlemen how difficult it muſt be to ſelect with preciſion out of ſo great a number, in ſo ſhort a time, conſidering too the immenſe ſum that was offered, upwards of forty millions. In that caſe he had done as well as he could—the ſubſcription was divided among ſeven hundred perſons, many of them known, and ſeveral recommended. Upon that principle he had formed his liſt, and all he thought neceſſary to add on the occaſion was, that no perſon whatever, to his knowledge, had been rejected on account of his avowed or ſuſpected principles. A preference, it was ſuppoſed, might be given, but he knew of none, further than where the parties were known to be men of property, or where they had a claim to attention.

The honourable gentleman had ſaid a great deal about concealment, and ſuppreſſing the names of ſome of the ſubſcribers. He believed the circumſtance had been ſanctioned by cuſtom; as long as he could recollect any thing of loans, it had been invariably the caſe. In his apprehenſion, it made very little difference, and no induſtry or caution could prevent it, if gentlemen choſe to conceal their names. They might come in under another name, or for a part of another perſon's ſubſcription, and at all events there was a riſque attending managements of this kind, for which the oſtenſible ſubſcriber was always reſponſible.

The honourable gentleman, who ſeconded the motion, charged him directly with employing Mr. Atkinſon to ſell

out an hundred thousand pounds stock, to glut the market, and depreciate the stock. The charge was false; it was a gross falshood, and he defied the honourable gentleman to prove it. [*Here a great cry of order! order!*]

Mr. *Byng*. I must again appeal to the House, whether I charged the noble Lord with employing Mr. Atkinson to sell stock to glut the market; nor did my charge go home either to the noble Lord, or the Secretary of the Treasury; I am not ready to charge, where I am not ready to prove; but I am ready to prove, that Mr. Atkinson's broker sold an hundred thousand pounds on the Monday, another hundred on the Tuesday; and that on the Thursday there were requests made to individuals to sell, in order to save the credit of the noble Lord, that was the reason assigned. Mr. Byng.

The noble Lord claims some merit, that the deposits are all made good. I believe they are, except one, where a gentleman, [illegible], was cut down to five hundred. There is a case that I recollect now of a Mr. Thomas Lloyd, who having solicited for some of the loan, found five thousand standing in his name; he immediately made the first payment; but another Mr. Thomas Lloyd claimed it, and brought an order to shew that he was the real owner. Mr. Lloyd who had made the deposit tried what entreaties would do, that he might have half, nay, would have been contented with a fifth, but all in vain. I mention this only to mark the singular loan. But now I have mentioned the name of Lloyd, I cannot avoid informing the House that there is another Mr. Lloyd, a Mr. Maurice Lloyd, commonly known by the name of Morris, the noble Lord's Mr. Lloyd, who sold 40,000l. of the loan, without his name appearing in the list delivered to this House. Whether this 40,000l. was for Mr. Lloyd's own use, for services performed, or for whose use it was, will be fair matter of future enquiry.

Lord *North* proceeded; he said he had never heard of any such transaction. If there was such a one, he could give his honour it was not by any authority from him; nor could he be in any way responsible for the misconduct of another. He begged the honourable gentleman's pardon. He understood that he said the stock had been sold out by his direction. Ld North.

On the whole his Lordship contended, that he made the best possible bargain, under the existing circumstances; that close subscriptions were always conducted in a similar manner; that seeming partialities must happen from the established mode of conducting the business; and as he had no intention

tion of promoting his own separate interest, neither had he acted in any way directly or indirectly which could afford a just cause for supposing that he had made a corrupt bargain, with a view to promote the increase of influence, in order to support his own power.

Sir Fletcher Norton.

Sir *Fletcher Norton* now rose, and the House was all attention. He said the present was a great and most important question. It was a motion for an enquiry into a supposed crime of a public nature—a crime, which, if proved, would appear to be aggravated in all its circumstances. It was no less than a direct accusation against the noble Lord in the blue ribbon, of a breach of trust in the execution of his office; a trust, the faithful discharge of which he had been entrusted with by his Sovereign and his country.

He should not at so late an hour trouble the House, or detain it by entering into detail. It was enough for him that he heard the extent and criminality of the charge, and the foundation for it; namely, the extravagant premium, and presumed corrupt bargain, and the still much more corrupt distribution of it, were it possible in idea to separate the one from the other, which, in his opinion, they could not; for by what appeared both in fact and argument they constituted one transaction, the bargain appearing to have been made on account of the distribution.

The noble Lord and his friends seemed to fly from the enquiry; he could not say that it was a proof of his guilt; but this he must say, that it was a strong presumption of it, else what reason could there be to stifle and suppress it? When applied to the conduct of the noble Lord on former occasions, the imputation came with double weight. He had, in a long course of attendance in that House, often heard his Lordship accused of misconduct; he had as often heard his Lordship put his accusers to defiance, call for their proofs, and challenge an enquiry into his general and particular conduct. Now, for the first time, a specific charge is made against him; a great variety of facts are stated, some that could belong to none but himself, nor for which no other person could be responsible. He was not present when the honourable gentleman who stood forth on this occasion pledged himself that he would bring forward the accusation; but he understood the noble Lord invited the attack; yet now, when issue is joined, the noble Lord shrinks—from what?—from an enquiry or investigation of what he affected to wish for, but now attempts to evade.

It was for the honour of the House; it was for the noble

ble Lord's own honour to meet the enquiry like a man, if he was innocent; and if he was guilty, he trusted the House had not so totally forgot their duty to themselves, and their constituents, as to screen him, if the noble Lord was guilty. If the latter should be the case, then would be fully verified what had been so often alluded to, or insinuated in the debate, that the very cause of his guilt was the ground of his security.

Much had been said about the impropriety of the enquiry; but for his part he did not see upon what subject the House could possibly so fitly exercise that inquisitorial power, vested in it by the constitution, as the present. The Members of that House were entrusted by their constituents to grant their money, and see it faithfully applied. It was not therefore a matter of choice, but absolute duty, unless they violated the trust reposed in them, to see that that trust, when delegated to the Minister, was faithfully discharged. The transaction, to make the best of it, was a foul and dark transaction; and for his part he was at a loss to know how any man who refused to go into the proposed enquiry could dare to meet his constituents, because, whether blameable or not himself, he must be deemed a partaker in the guilt.*

It was contended by the learned Lord, and several other gentlemen on the same side, that the Members of that House had a right, at least a kind of prescriptive right, to a share of the loan. That such of them as were not merchants or dealers in money, had not, was, he was convinced, out of the question; but in his opinion, no man in that House ought to partake of the subscription; and so thoroughly persuaded of it was he, that as long as he had the honour of sitting in that chair, though he might, and he believed it was customary, he never would accept of a single shilling in any loan.

His reason for it was this. The Members of that House, if they had any character, it was that of acting as trustees for their constituents and the public at large; then only see, says the learned gentleman, the double and preposterous relation they must stand in towards their constituents. They must borrow the money in one capacity, and lend it in the other, and of course their views and interests must be discordant and repugnant to each other. The better bargain they made as representatives, the less profit they would of course receive as subscribers, and so *vice versa*. He appealed to gentlemen, whether it was the interest of the borrower to leave it in the power of the lender to fix his own terms? or did it partake of the nature of a trust, under any given circumstance, that the execution of it should be for the benefit of the trustee? It

*

was

was a temptation, too great for any man to withstand, and too trying for any honest or prudent man to wish to put himself into.

He therefore once more conjured the noble Lord, for his own honour, for the honour of the House, and in regard to his country, to meet the accusation like a man, and not meanly fly from it under the protection of a majority, who would be justly suspected of being partakers in the guilt. His Lordship had often defied and challenged his accusers. If the present motion should be agreed to, they and he would be at issue; and if he declined the contest, however innocent his Lordship might be, the united voice of mankind would pronounce him guilty.

Mr. Mansfield.

Mr. *Mansfield* (Solicitor General) rose next. He said, a great outcry had been raised against the Minister, but it was merely to put the people out of humour with their governors. The orators on the other side were continually alarming the public with the idea of calamities they knew did not exist. That the war, and taxes raised in consequence of it, would be felt by the people, or indeed that they were already felt by the people, he knew better than to deny. He believed the public did feel calamities from those things, but in no greater degree than absolutely unavoidable; and when opposition dwelt on that, they might, perhaps, be justifiable. But they were not so when they first stated that the Minister was corrupt, and afterwards deduced calamities from that corruption.

The House were called, he said, to vote for an examination into the circumstances of the loan, without any one charge being even so much as suggested against it; and he would remind the House, that at the time the loan was under their consideration, the only one thing that the other side of the House cried out against, was the douceur of the lottery, which they thought ought to be taken away; so that, notwithstanding all they now said, and all they pretended, they never meant any thing more than to strike off the lottery, which, had it been done, would not have reduced any of the burden they affected to think lay upon the shoulders of the public. They had not said any thing against the loan itself, which they now felt themselves so anxiously, and so suddenly inclined to investigate. They had, indeed, thrown out some insinuations against the Minister's conduct, but they had no proof; they must enquire first, before they could come to proof.

A most violent cry of hear him! hear him! shook the opposition side of the House; after which the Solicitor-General proceeded, that objections had been made to the loan, because members of parliament had subscribed towards it; but

but for his part, he did not know why members of parliament might not lend their money to government as well as other people. A right honourable gentleman, too, who had spoken the last, was pleased to advance, that members of parliament who had subscribed to the loan were incompetent to vote on the present question; but he was of a very different opinion. Such [illegible] in the Members of that House, would be acting more like children, than the representatives of a great empire. Members of Parliament who had subscribed to the loan could surely vote with the greatest propriety respecting it, for they knew more of it than other people, and knowing in their consciences that the terms of it were good, it would ill become them not to give it their approbation and vote. The opposition side of the House was again in an uproar, with a general cry of hear him! hear him! After which, the learned speaker took notice of the complaint made against the Minister, for the manner in which he had distributed the loan, but he did not know, he said, by what act of parliament it was, that the Minister was compelled to give to this person just so much, and to that subscriber such a particular sum. He was not bound to proportion it out according to the sum tendered, but had that part of the business of the loan left entirely to his own discretion.

The Solicitor General upon the whole contended, that the loan had been conducted this year as heretofore, without the smallest deviation from the established rule, and he was of opinion, that if the subscribers should be made liable to the examination of a committee of the House of Commons, it would be attended with the most pernicious consequences, as few people, able to subscribe to the loan, would chuse to have their characters, their families and fortunes inquired into, merely to please the caprice of an individual, or the views of a party.

Mr. *Dunning* said, it was no wonder his learned friend had so good an opinion of the firm of the loan, as the Attorney and Solicitor Generals were, by virtue of their office, entitled to a particular share of it. The learned gentleman took notice, that the Solicitor General had said there was no proof, and that the House must first enquire before they could have that. The natural syllogism, he should think, was that his learned friend would of course vote for the question, because the very and only object of that question was to enquire, which the last speaker had himself allowed was the necessary step to be taken for coming at the proof; and yet he was rather inclined to think that he would reverse the syllogism, and vote directly against the question.

Mr. Dunning.

 He

He was not a little surprised, he said, that he should advance that the terms of the loan had not been impeached, because, in every stage of it, there was not an epithet of reproach that had not been applied to it. The fact was, the Minister being himself too busy to attend to the matter, had left it to his Secretary, and his Secretary being also very busy, had transferred it to another Secretary, who having other matters to attend to, had referred it to Mr. Atkinson, who was his own Secretary, and who, being willing to do every body's business, had good-naturedly settled the whole of the loan himself, without troubling the Minister, or any of his Secretaries about it

This being the case, he did not wonder that so many names had crept into the list, which neither the Minister, nor any one else believed to be responsible men; but the fact was, that having a premium of ten per cent. upon the money they had subscribed, they had in a manner paid in ten per cent. as it were, at their first subscription. The learned Council made many pertinent observations on the influence of the Minister in consequence of the loan, and called earnestly upon the House for the question before them.

When the learned gentleman had concluded, a number of Members, who through the greatest part of the debate had been in the coffee rooms adjacent, now crowded in, and called with loud and continued uproar for the question. The Speaker thought fit to rise, and call them to order. In a sensible and pointed speech, he severely reprehended the custom. There were, he said, a regular and uniform set of gentlemen of a particular description, who did not think it at all necessary to attend to any part of the debate, in order to receive information, or judge where the merits of a question lay, that they might decide with decency, or vote with conviction; but they went to the coffee-houses, and there spent the whole day, and came in towards the conclusion of the debate, and with the utmost disorder and incivility called for the question, and put a hasty stop to the calm deliberations of such Members as acted up to their duty, in attending seriously to the business of the House. He hoped, that as it was a practice so derogatory of the honour and the dignity of parliament, and so inconsistent with the gravity of a House of Representatives, that he would not have occasion again to take notice and complain of the indecency.

Mr. Wallace. Mr. *Wallace* (Attorney General) defended the loan and the Minister, on the same ground as the Solicitor General. And

par-

particularly he represented and objected to the measure of inquiring in a committee into the characters and fortunes of men, merchants, and bankers, where professional existence depended on the credit of their reputation, for by such an inquisition they would be precluded the opportunity of defending themselves.

Mr. *Hartley* then said a few words in support of the motion, and was followed on the same side by Mr. Turner, who was a little severe on the members who had been enjoying their bottle and glass up stairs, till it was time for them to come into the House, and divide. Mr. Hartley.

The House then divided on the question, it being one o'clock in the morning, when there appeared, for the question 163; against it 209.

To the Honourable the Knights, Citizens, and Burgesses, in Parliament assembled.

The Fourth Report of the Commissioners appointed to examine, take, and state, the Public Accounts of the Kingdom.

Proceeding in our inquiries into balances in the hands of those accountants who appear upon the certificate of accounts depending in the office of the auditor of the imprest, we find therein, next to the treasurers of the navy, the names of several persons whose accounts have not been prosecuted for upwards of seventy years. We could have no expectation of profiting by a pursuit of claims arising at so remote a period, and therefore passing on to the next class, namely, the paymasters of the forces, we see standing first in that class the name of Henry Earl of Lincoln, whose final account of the forces for six months, to the 24th of June 1720, is therein described "to "have been delivered into auditor Aislabie's office, but, being very imperfect, to have been long since withdrawn, and not returned." We issued our precept to his grace the duke of Newcastle, for an account of the public money in his hands, custody, or power, as representative of Henry earl of Lincoln, late paymaster-general of the forces. The duke of Newcastle, in a letter dated the 24th of August last, informed us, that "he never had in "his hands, custody, or power, any of the public money which was possessed by his late father as paymaster of the forces, nor any of his accounts "or vouchers relative thereto; nor could he inform us what balance, if any, "was due from him on that account, that his late father died intestate, leaving him, and several other children, then infants, and that Lucy countess of Lincoln, his widow, administered to him, and possessed what effects he left, which she applied towards discharge of his debts:" and in a subsequent letter, dated the 23d of November last, the duke informed us, that he took administration *de bonis non* to his late father, in May 1748. In

consequence of these letters from the duke of Newcastle, we proceeded no further in this inquiry.

Having issued our precepts to John Powell, esq. the only acting executor of Henry lord Holland, to lady Greenwich, administratrix to the right hon. Charles Townshend, late paymaster of the forces, to lord North, and to the right honourable Thomas Townshend, late paymaster of the forces each jointly with George Cooke, Esq. deceased, for an account of the public money in their respective hands, custody, or power, we received returns thereto, which we have set forth in the appendix, with their several dates and sums; the total of which amounts to 3[illegible]l 5s. [illegible]

Having thus obtained a knowledge of the balances, our next step was to examine whether they were liable to any such services, or subject to any such payments, in the hands of these accountants, as rendered it necessary to permit them, or any part of them, to remain longer in their possession. To this purpose we examined John Powell, esq. the cashier, and Charles Bembridge, esq. the accountant to the paymaster general of the forces, by whom we are informed that the money in the hands of the paymasters general of the forces, after they are out of office, continues, as long as their accounts are kept open, liable to the payment of any claims of the half-pay officers, or of any warrants for contingencies and extraordinaries, which were voted during the time they were respectively in office, and have not been claimed, after the final accounts are closed, such claimants must apply for payment, either to the treasury or the war office, according to the nature of the claim. These sums remaining in their hands are likewise liable to the payment of fees of divers nature, and to fees for passing their accounts and obtaining their quietus, together with the payment of gratuities to the officers and clerks of the pay office, who, at the same time that they transact the business of the paymaster in office, carry on also, make up, and finally close, the accounts of the paymasters after they are out of office, but, having no salary or reward whatever for this extra business, it has been customary for them, when the final account is ready to be passed, to prefer a memorial to the lords of the treasury, praying them to procure the King's warrant to the auditors of the imprest, to allow them a certain sum for their trouble, payable out of the balance remaining in the hands of that paymaster.

The sums now in the hands of these late paymasters of the forces, or of the representatives of those who are dead, are still liable to claims that may be made upon them under various heads of service, and are likewise to the payment of sundry fees, and of the customary gratuities, but neither these claims, fees, or gratuities, are, in our opinion, sufficient any objection to the payment of these balances into the Exchequer.

Lord Holland resigned this office in 1765, Mr. Charles Townshend in 1766; Lord North and Mr. Cooke in 1767, Mr. Cooke and Mr. Thomas Townshend in 1768, since which, sufficient time has elapsed for all the claimants upon these paymasters to have made their applications for payment. The public are not to be kept out of possession of large sums of their own money, nor public accounts to be kept open, because persons may have for so long a time neglected their own business: not that these claimants are without remedy after these accounts are closed, by applying either to the treasury, or to the war-office, as the case may require, their demands may be enquired

enquired into and satisfied, by proper warrants upon the paymaster in office.

The fees and gratuities become payable when the final accounts are ready to be passed in the office of the auditor of the imprest, how long it will be before the final accounts of these late paymasters will be in that situation, it is not easy to ascertain. John Lloyd, esq deputy auditor of the imprest to lord Sandes, informed us that the final account of lord Holland was delivered into that office in January, 1772, the final account of Mr Charles Townshend in July, 1777 the final account of lord North and Mr. Cooke in October, 1770. John Bra , esq. deputy auditor to William Aislabie, esq. informed us, that the final and only account of Mr. Cooke and Mr. Thomas Townshend was delivered into that office in November, 1779. From an objection herein after mentioned, made by the acting executor of lord Holland, to the final closing of that account, and from the representation given to us by these officers, of the situation in which the other accounts now are in the imprest office, none of them appear to be in so advanced and perfect a state as to give us reason to expect their speedy completion; and therefore we do not think the payment of these balances into the Exchequer ought to be delayed until these accounts are settled, especially as we see no reason why the paymaster in office may not be authorized to pay, out of the public money in his hands, all the fees and gratuities, whenever they become payable.

Seeing therefore, no objection to arise from the services or purposes to which these balances are still applicable, to the payment of them into the Exchequer we adverted to such reasons as might be suggested to us by the accountants themselves, or by those who have an interest or trust in the funds out of which these balances must be paid. To this end we examined the right hon. Charles James Fox, esq and John Powell, esq. executors of the late lord Holland, lady Greenwich, administratrix to Mr. Charles Townshend, lord North, Mr. Thomas Townshend, colonel George John Cooke, and Sir [illegible] Molloy, devisees of the estate of Mr. George Cooke, late paymasters general of the forces.

Mr Fox and Mr Powell objected to the payment into the Exchequer of so much of the sum of 56,456l. 8s. 2d. (being the balance in the hands of Mr. Powell as executor of the late lord Holland) as may be affected by the decision of certain suits depending in the court of Chancery. The sum that may be so affected, according to Mr. Powell's account, amounts to [illegible] 10s. [illegible]d.

The state of the proceedings in these suits is set forth in Mr. Powell's information to us as follows: —— The accounts of Mr Robert Paris Taylor, one of the deputy paymasters to lord Holland, in Germany, during the late war, were examined in the office of the auditors of the imprest, where he is surcharged with the sum of 12,052l. 15s. 10d. halfpenny, which surcharge he controverts. In the beginning of last year, the executors of lord Holland commenced two actions in the court of King's-Bench against Mr. Taylor, and the executors and devisees of Peter Taylor, his father, who was his surety, to recover the sum of 28,165l. 9s. 5d.¾ being the balance supposed to be due from him upon these accounts, in which sum the surcharge is included. As the question in these causes appears to be, whether Mr. Taylor

indebted to the executors of lord Holland in this sum, or any part of it, the balance of Public money in Mr. Powell's hands might be encreased, but could not be diminished by the event of these actions; and therefore Mr. Powell does not insist upon retaining any part of this balance to secure him against such event; but Mr. Taylor, and the devisees of Peter Taylor, soon after filed two bills in the court of Chancery against the executors of lord Holland, suggesting errors, and praying that these accounts may be taken in that court. These causes have not yet come to a hearing, but the ground of Mr. Powell's claim to the detention of this sum of 73,149l. 10s. 7d. as collected from his information, and the letter of his solicitor, appears to be this, that should an account be decreed, every item in Mr Taylor's accounts will be open to litigation, and Mr Taylor having charged himself, before the auditors of the imprest, with the sum of 786,357 guilders, and 9 stivers, which is 73 149l. 10s. 7d. sterling, as a profit to the public arising on money transactions in his department as deputy paymaster, may suggest, in the progress of these causes, that he has erroneously charged himself with this sum, and therefore Mr. Powell claims to retain it in his hands, to guard against the consequences of a possible decision upon this sum in Mr. Taylor's favour.

Subjects under litigation in a court of justice should not be examined elsewhere without an absolute necessity, and not even then but with great caution. This point coming thus incidentally before us, in the progress of an inquiry within our province, we may, without impropriety, venture to say, that in our opinion, the bare possibility that Mr Taylor may, in the court of Chancery, object to, and be discharged of a sum he has charged himself with before the auditors of the imprest, and which he was bound by his instructions to charge himself with, as a profit to the public, and to which, for aught that appears to us, he has never yet objected, but has, on the contrary, in part applied to the use of the public, is not a sufficient reason for permitting the sum of 73,149l. 10s 7d. to continue in the hands of the executors of lord Holland, until two suits in chancery, not yet heard, praying an account may be taken of the receipt of 913,405l 6s. 2d¾. and of the expenditure of 878,008l 18s. 1d¼ during upwards of four years of the late war in Germany, shall be finally determined in the court.

Lady Greenwich, lord North, Mr Thomas Townshend, colonel Cooke, and Mr. Molloy, do not object to the payment into the Exchequer of their balances; nor do Mr. Fox and Mr Powell, as the residue of lord Holland's balance, upon severally receiving their quietus, or a security equivalent thereto.

Where accounts must be passed by the auditors of the imprest, the payments into the Exchequer, made by the accountants, before the final adjustment, are payments upon account only, but should these accountants be directed to pay in their full balances, they will be entitled to, and ought in justice to receive, a security and indemnification against all claims and payments whatever, to which the balances were in their hands subject; the fund possessed by the paymaster in office being substituted in the place of these balances, to answer such future claims and demands, the accountant himself will stand liable only to the errors and omissions that may be discovered in the examination of his accounts, in the office appointed for auditing them: should there be

be creditor, he may either pay the balance to, or receive it from, the paymaster in office, according as it may be determined; then, and not before, he will be entitled to his quietus, which being the formal official discharge of every public accountant, cannot but be subsequent to the complete examination, and the payment of the balance, if any, according to the final adjustment of his accounts.

Having, therefore, not heard, either from the accountants themselves, or from those who may be interested in our decisions, any reasons to alter our opinion, we conceive that the balance of public money now remaining in the hands of John Powell, Esq, as the only acting executor of lord Holland, and in the hands of lady Greenwich, as administratrix to Mr. Charles Townshend, late paymaster of the forces; and in the hands of lord North, and of Mr. Thomas Townshend, as late paymasters of the forces, each jointly with Mr. George Cooke, deceased, ought to be paid into the Exchequer, to be applied to the public service, and that such payments should be without prejudice, and a proper security and indemnification be given to each of them against any loss or detriment that may accrue to them in consequence of such payment.

During the course of this inquiry, two circumstances engaged our observation.

First, the injury sustained by the public from not having the use of the money remaining in the hands of the paymasters of the forces after they have quitted the office. We procured from the pay office, accounts of the balances and sums received and paid every year, by each of these paymasters, since they severally went out of office. A computation of interest, at four per cent. per annum, upon these balances every year, from six months after they severally resigned the office, proves that the loss by the money left in the hands of lord Holland amounts, at simple interest, to 248,394l. 13s. of Mr. Charles Townshend, to 24,247l. 3s. of lord North and Mr. Cooke, to 18,775l. 3s. of Mr. Cooke and Mr. Thomas Townshend, to 3,419l. 15s. total, 294,836l. 14s.

Such has been the loss sustained by the public. Much does it behove them to guard against the possibility of the like evil for the future. If there exists in government no power to compel an accountant to disclose his balance, and to deliver back to the public what their service does not require he should detain, it is time such a power was created. If it does exist, the public good requires it should be constantly exerted, within a reasonable limited time after an accountant has quitted his office.

Secondly, The other circumstance that claimed our attention is, the delay in passing the accounts of the paymasters of the forces.

The making up and passing these accounts is the concern of three different parties, the paymaster, whose accounts they are; the pay-office, where they are made up, and the auditors office, where they are passed. The first step must be taken by the pay office, there the accounts must be made up, and from thence sent with the vouchers to the auditors office, before they can be examined. Near forty-six millions were issued to lord Holland; his final account was not delivered into the auditors office until seven years after his resignation. Above two millions were issued to Mr. Charles Townshend; his final account was not delivered until eleven years after his resignation.

Near

[illegible] millions were issued to lord North and Mr. Cooke; their final ac[illegible] was not delivered until twelve years after their resignation. Five [illegible]dred and seventy thousand pounds were issued to Mr. Cooke and Mr. [illegible]omas Townshend; their only account was not delivered until eleven years after their resignation.

In the office of the auditors of the imprest, the custom of not passing the accounts of a successor, until the predecessors are completed, is a cause of delay. A dispute with a deputy stops lord Holland's accounts; but that can be no reason for delaying one moment the accounts of his successors; they depend not upon, nor are connected with each other. It is regular to examine and pass accounts in order of time; but in the case of the paymaster's accounts, convenience, both public and private, will warrant a deviation from this rule. Every accountant has a material interest that his accounts should be passed with dispatch; the quiet of himself, his family, and fortune. It is not unreasonable to presume, that taking from an accountant his balance, may be a means of expediting the passing of his accounts; whilst he holds a large sum in his hands, he may be less anxious to come to a final adjustment, less eager to procure a quietus, the condition of which is the depriving himself of that balance.

We are proceeding to examine the sum in the hands of the paymaster general of the forces in office; but finding, from the variety and extent of his transactions, it will require a considerable time before we can obtain the knowledge necessary for forming a report, we judged it most consonant to the spirit and intention of the act that regulates our conduct, to submit with all the dispatch in our power, to the wisdom of the legislature, the consideration of a sum of public money of such magnitude as that now remaining in the possession of the paymasters general of the forces out of office.

GUY CARLETON,	(L.S.)
T. ANGUISH,	(L.S.)
A. PIGGOTT,	(L.S.)
RICH. NEAVE,	(L.S.)
SAM. BEACHCROFT,	(L.S.)
GEO. DRUMMOND.	(L.S.)

Office of Accounts,
Bell-yard,
9th April, 1781.

A P P E N D I X.

No. 1.

Victuallers of the Navy.	Sir Tho. Littleton and partners —	A state of their interest and victualling accounts, for the year 1673, was laid before Lord Treasurer Godolphin, but is not prosecuted.
Treasurer of the sick and wounded.	Executors of Thomas Savary, Esquire	His final account, from 1st July, 1712, to 5th of March following, remains unprosecuted.

Francis

[illegible]

	Francis Lynn, Esquire	[illegible] was incorporated [illegible] navy, has been ex[illegible] but the account is [illegible] secuted.
Transport service.	John Nutting, Esquire	Has delivered an accou[illegible] 29th March, 1704, [illegible] June, 1705, which [illegible] prosecuted. He is accountable to [illegible] nuary following.
	Charles Mason, Esquire	His final account, to 19t[illegible] 1708, is declared, wi[illegible] lance due from the [illegible] tant of £.3,170. 12.
Land forces.	Executors of John Mead, Esquire, late Deputy Paymaster of the forces — —	Are to render an accoun[illegible] profits arising by the [illegible] nage of the public [illegible] delivered by him into [illegible] Mint of his Imperia[illegible] jesty as King of Spain.
	Henry Earl of Lincoln	His final account of the [illegible] for 6 months, to 24th [illegible] 1720, was delivered [illegible] auditor Aislabie's office, [illegible] being very imperfect, [illegible] been long since withdrawn, and not returned.
Land Forces.	Henry Lord Holland, late Paymaster General — —	His accounts to 24th December, 1764, are declared. His final account for ha[illegible] year, from thence to [illegible] June, 1765, is prep[illegible] for declaration.
	The Right Honourable Charles Townshend, late Paymaster General — —	His first account, from [illegible] June, 1765, to 24th [illegible] cember following, is [illegible] examination; his [illegible] count, from thence [illegible] June, 1766, is also [illegible] examination.
	The Right Honourable Lord North and George Cooke, Esquire, late Paymaster General — —	Their account, from [illegible] 1766, to 24th [illegible] following, is delivere[illegible] Their final account fro[illegible] December, 1766, to [illegible] December, 1767, is [illegible] livered.

The Right Honourable George Cooke and Thomas Townshend, Esquire, late Paymaster General	Their accounts from 25th December, 1767, to 24th June, 1768, is delivered.
The Right Honourable Richard Rigby, Paymaster General	His accounts from 25th June, 1768, to 24th December, 1769, are delivered.

No. 2.

Account of the balances in the hands of the late Paymasters General of the forces, from the returns made by them to the Commissioners appointed to examine, take, and state, the public accounts of the kingdom.

Paymasters.	Date of the balance.	Sum.		
Executors of Henry Lord Holland	27th September, 1780	256,456	2	4
Administratrix of Charles Townshend, Esquire — —	29th September, 1780	44,422	4	8
Lord North and George Cooke, Esquire — —	10th October, 1780	63,738	3	10
George Cooke and Tho. Townshend, Esquire — —	30th August, 1780	13,171	14	9
	£	377,788	5	7

No. 3.

Examination of John Powell, *Esq cashier to the paymaster-general of the forces; taken upon oath, the 20th and 26th of February, 9th, 12th, 15th, 19th, and 28th March,* 1781, *before the* Commissioners of public accounts

THIS examinant saith, That he is the only acting executor of Henry Lord Holland, late paymaster-general of the forces: that the sum of 256,456l. 2s. 4d. mentioned in his return to the precept of this Board, upon the 27th of September last, was, to the best of his knowledge, the whole balance then remaining upon the account of the said Henry Lord Holland, as paymaster-general of the forces. When a paymaster goes out of office, his accounts of the year's establishment are generally carried on, either to the 24th of June, or to the 24th of December, preceding or subsequent to his resignation or death, as most convenient for the public service. If his accounts end on the 24th of June, he receives his proportion of that year's supply; if they end on the 24th of December, he receives the whole year's supply, out of the Exchequer, as it is wanted in order of time. In lord Holland's time, it was the usage of the office to ask of the treasury, generally every four months, a third part of the whole year's ordinary supply, but since the year ... the practice has been, not to apply for money for any service, until the usual time for payment of that service, at which time the paymaster, though

though out of office, upon … direction from the Exchequer, and applies it to satisfy the demands … who have claims upon that service.

Lord Holland's accounts ended on the 24th of June, 1765, and … account was delivered into the office of the auditor of the imprest on … of January, 1772. The balance for which he is accountable to the … as executor to the late lord Holland, is at this time subject to the … services:

To claims of the staff and hospital officers, and to warrants for contingencies and extraordinaries voted by Parliament during the time lord … was in office and not yet claimed, if there be any such claims or … existing. If lord Holland's accounts were closed, he is inclined to … these claimants must apply either to the treasury or to the secretary at … renew their warrants for payment. As all the fees for passing the … and for the quietus, are, as he believes, provided for, the only … payment to which the present balance is subject, is, the usual gratuity … officers and clerks of the paymaster-general, for making up the accounts of the paymasters out of office: the officers and clerks of the paymasters in office, carry on and make up the accounts of the paymaster out of office … which extra business, they have no salary or reward, until the final account is ready to be passed; at which time they present a memorial to the treasury, praying them to obtain the King's warrant to the auditors of the imprest, to allow them a certain sum for this business; which sum, pursuant to this warrant, is paid to them out of the balance.

The sums received by a paymaster, after he is out of office, are either sums issued to him out of the Exchequer, which were due for the ordinary service of the army at the time he went out of office, and for which he had at that time credit at the Exchequer; or sums received by him from the paymaster in office, by virtue of treasury warrants, for extraordinary services advanced by him during the time of his being in office; or from the treasury in Ireland, for the pay of the Irish regiments serving out of that kingdom, according to the Irish establishment. Lord Holland has received, as he believes, all the public money due to him out of the Exchequer, and from the succeeding paymasters, and from Ireland.

After a paymaster has resigned his office, he has continued to receive money out of the Exchequer for the following services:

The pay of the general and staff officers at home and abroad; the pay … the officers of the hospital at home and abroad, the pay of the staff of garrisons at home and abroad; for contingencies of the army at home and abroad; for house pensioners, servants, and artificers of Chelsea hospital … half pay officers, widows allowances, off-reckonings, and the clearings.

He further saith, he was accountant to the Paymaster General from … 1765 to March 1776, when he was appointed cashier: that, during the … he was accountant, and, as he believes, from the year 1759, and since … appointed cashier, the mode of stating the army accounts, and of asking … money, was and has been as follows:

The sums voted to pay the general and staff officers, and the officers of the hospital, are generally asked of the Treasury at the customary periods of payment; these sums, after they are directed by the Treasury, and received …

 received

... to him from ... retary at War, specifying the names and ... of the several of- ... ually employed: upon a debenture being made out, pursuant to that ... ate, and the King's warrant obtained agreeable to that debenture, the ... due to the several officers are paid to them, or to their agents, upon their ... ation.

... sums to pay the staff of the garrisons at home and abroad are asked in ... manner as the sums to pay the general and staff officers; and when re- ... are paid, some to the governors of the garrisons, or to their agents; ... to the officers themselves, or their agents.

... does not recollect that the sums for contingencies are asked from the ...; they are paid, when applied for, pursuant to the warrants of the ... at War, out of any money in the hands of the paymaster; war- ... for this service are almost every day presented to the pay-office for pay- ...

... sums to pay the house pensioners, servants, and artificers of Chelsea ... al, are asked every six months, when twelve months are due, and paid ... the hands of the deputy Treasurer, who is appointed by the paymaster, ... accountable to him.

... sums to pay half-pay officers are asked every six months, when due, ... aid to the several officers entitled, or their agents, on their application.

... e sums to pay the pensions to officers widows are not, as far as he can ... lect, asked of the Treasury; they are paid by the Paymaster General, ... of any money in his hands, to the paymaster of the pensions (who is ap- ... pointed by patent) upon his application, and paid by him to the claimants ... four months.

When fifteen or sixteen months of the off-reckonings are due, it is usual ... the paymaster to ask of the Treasury for six months, and when received, ... is given, and the money is paid soon after to the persons to whom the ... onels have assigned them.

... to the clearings, a debenture warrant is sent to the paymaster by the ... tary at War, signifying the King's directions to him to make up the ac- ... s of certain regiments, in consequence of which, the paymaster states ... accounts of those regiments, and certifies to the King the amount of the ... pay of such regiments, according to the establishment (provided no res ... is directed) for the time specified in the warrant, upon which certificate ... King's warrants are obtained for the full pay of the regiments, if there ... respite, and the paymaster applies to the Treasury for the sums due for ... rings, and upon receiving them, notice is given, and they are paid to the ... of the respective regiments

... sums for these several services are asked of the Treasury, received, ... aid, in the same manner, by the paymaster, whilst he is in office.

... the practice of the office to introduce the annual receipts and payments ... deputy paymaster, for extraordinaries, into the Paymaster General's ac- ... for that year, which account is sent to the office of the auditor of the ...; but Mr. Peter Taylor and Mr. Robert Paris Taylor, who were two ... Holland's deputies, did, as he is informed and believes, at Lord ... 's request, make up their own accounts themselves, and send them ... auditor's office for their immediate examination; Lord Holland sug-

gesting

geſting that it would be [illegible] to have thoſe accounts, wh[illegible] expenditure, ſettled and adjuſted as ſpeedily as poſſible, that in caſe any [illegible] cles were diſallowed or queſtioned by the auditor, Meſſrs. Taylors, and [illegible] aſſiſtants, might have then an opportunity of explaining them; had [illegible] been inſerted into the annual accounts, in the uſual manner, theſe [illegible] might have been either dead or abſent at the time theſe accounts came [illegible] courſe under the examination of the auditor.

The deputy paymaſters are ſubject to the controul of the paymaſter ge[illegible] ral; they are inſtructed to ſend their accounts to the office by every op[illegible] tunity that offers, and he may call upon them to account whenever he ple[illegible]

This examinant further ſaith, That he hath two objections to cloſing [illegible] final account of Lord Holland, and paying the balance into the Excheq[illegible]

The firſt, is the final adjuſtment of the account of Mr. Robert Paris T[illegible] lor, deputy paymaſter in Germany in the laſt war, the auditors having [illegible] charged Mr. R. P. Taylor's account with the ſum of twelve thouſand [illegible] fifty-two pounds thirteen ſhillings and ten pence halfpenny; which Mr. T[illegible] lor does not admit of, aſſerting that he has abſolutely paid the ſaid ſum.

The ſecond and principal objection is, That Mr. R. P. Taylor has brou[illegible] a charge againſt Lord Holland of ſeven hundred eighty ſix thouſand thr[illegible] hundred and fifty-ſeven guilders nine ſtivers, which, computed at ten guild[illegible] fifteen ſtivers to the pound ſterling, amounts to ſeventy three thouſand [illegible] hundred forty-nine pounds ten ſhillings and ſeven pence ſterling, for pro[illegible] ariſing on money tranſactions in the department of the ſaid R. P. Tayl[illegible] deputy paymaſter in Germany, which profit has not, as yet, been fully pa[illegible] to the late Lord Holland, or to his executors. A proſecution is commenced againſt Mr. R. P. Taylor, as the principal, and the executors and deviſees of Mr. Peter Taylor, deceaſed (who was ſecurity for R. P. Taylor) for the balance, who aſſert, that a Maſter in Chancery is the only competent judge of the account, before whom they require the account to be brought, for the determination and deciſion of the Lord Chancellor

This examinant further ſaith, That he has no objection to cloſe the fin[illegible] account of the late Lord Holland with the auditors, provided he is allowed to detain in his hands the aforeſaid ſum of ſeventy three thouſand one hun[illegible] dred forty nine pounds ten ſhillings and ſeven-pence, until the Lord Chan[illegible] cellor has decided upon Mr. R. P. Taylor's account, this being permitted, he is ready to pay the balance on receiving a quietus.

That upon application to Mr John Woodhouſe, who acts as his ſolicitor, he has received from him the following letter, which contains, as he believes, a true account of the proceedings between him and Mr R. P. Taylor, as de[illegible] puty paymaſter to the late Lord Holland, and the executors and deviſees [illegible] Mr Peter Taylor, deceaſed.

"SIR,

"IN anſwer to your favour of yeſterday, deſiring a ſtate of the proce[illegible] ings of Lord Holland's executors, againſt Robert Paris Taylor, and the [illegible] cutors and truſtees of Peter Taylor his ſurety, and whether any queſtion [illegible] ariſe, in the ſuits depending, concerning the profits on Paris Taylor's [illegible] count, as charged by himſelf, amounting to ſeventy-three thouſand one hu[illegible] dred forty nine pounds ten ſhillings and ſeven-pence, I am to inform [illegible]

That in the beginning of laſt year, I commenced two actions, for Lord Holland's executors, in the Court of King's Bench, the one againſt Robert Paris Taylor, as principal, the other againſt Mr. Cornewall, Mr. Popham, and Dr. Schomberg, as executors and deviſees of Peter Taylor, upon ſeveral bonds, given and executed by Robert Paris Taylor, and Peter Taylor, to Lord Holland, as Paymaſter General; to recover the ſum of twenty-eight thouſand one hundred eighty-five pounds nine ſhillings and five pence three farthings, appearing to be the balance of Robert Paris Taylor's ſeveral accounts, as ſtated by the auditors, and approved by the Lords of the Treaſury. In the ſame term, or ſoon after, two ſeparate bills were filed in the Court of Chancery, by the reſpective agents of Robert Paris Taylor, and the deviſees and executors of Peter Taylor, for the ſame purpoſe, viz. for referring the whole of Robert Paris Taylor's accounts to a Maſter in Chancery, inſiſting that they had a right ſo to do, ſuggeſting many errors in the accounts, as ſtated by the auditors, generally, and alſo ſpecifically, and controverting their authority as the only juriſdiction for ſettling ſuch accounts, alſo praying injunctions; which they obtained, it being impoſſible to put in the anſwers in eight days, to ſtay the proceedings in the ſaid ſuits: but the anſwers being afterwards filed, I moved to diſſolve the injunctions, and, upon the plaintiffs ſhewing cauſe on the merits, the injunctions were diſſolved. As it was practicable, by the rules of the Court of Chancery, to proceed to judgments in the actions at law, notwithſtanding the injunctions, I availed myſelf of that privilege, and, for want of pleas, judgments were entered in both ſuits, and a *ſcire facias* has iſſued againſt the executors; but that ſuit has not been further proſecuted, owing to the applications made by their ſolicitor, who avers there are errors in the accounts ſtated by the auditors.

"The plaintiffs in the ſeveral ſuits in Chancery may proceed to a hearing as ſoon as they pleaſe, and if the court ſhall decree an account, not only the item of ſeventy-three thouſand one hundred forty-nine pounds ten ſhillings and ſeven-pence, but every other item in Paris Taylor's account, will be open to litigation before a maſter, and finally be decided by the court, if either party ſhould be diſſatisfied with the maſter's determination.

Bridewell Hoſpital,
Tueſday, 27th February, 1781.

I am, Sir,
Your moſt obedient ſervant,
JOHN WOODHOUSE."

John Powell, Eſquire.

That by an abſtract of Mr. R. P. Taylor's accounts, delivered into the office of the Paymaſter General, he has charged himſelf with the ſum of ſeven hundred eighty-ſix thouſand three hundred fifty-ſeven guilders nine ſtivers, as profit to the public.

In the Paymaſter General's inſtructions to Mr. Robert Paris Taylor, he directed him to keep an exact, regular, and clear account of all his receipts and payments, and if any profit aroſe to the public in the courſe of his tranſactions, he was inſtructed and ordered to charge himſelf therewith.

JOHN POWELL.

Guy Carleton,
T. Anguiſh,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 4. The

The Examination of Charles Bembridge, *Esq. accountant to the Paymaster General of the forces; taken upon oath, the 20th and 22d of March, 1781.*

THIS examinant saith, That he carries on and makes up the accounts of the paymasters after they are out of office, as well as those of the paymaster in office.

The only obstacle to the final adjustment of the late Lord Holland's account, is a dispute relative to the balance in the hands of Mr. Paris Taylor, who was one of his deputies.

The accounts of the Paymaster General are sent from the pay office to the office of the Auditor of the Imprest, with near all the payments inserted which have at that time come to the knowledge of the office, and the vouchers for them, after the Auditor has examined them, if any doubts arise, he sends to the pay office an account of the queries he makes; if any of these queries are not answered to his satisfaction, he surcharges the Paymaster with the amount of them, and returns the account to the pay-office, who add their charge and such articles of the discharge as were not before inserted; it is then sent again to the Auditor's office for examination, after which the pay office add the totals, and strikes the balance.

The final accounts of Mr. Charles Townshend, and of Lord North and Mr. Cooke, and of Mr Cooke and Mr. Thomas Townshend, have been sent from the pay-office to the Auditor's office, with their several vouchers, none of them have yet been returned back to the pay office, nor any queries sent thither relative thereto.

The balances in the hands of these three late Paymasters are still subject to some claims upon several heads of services, and likewise to the payment of fees of divers natures, and of passing their final accounts, and of obtaining their quietus and to the payment of the usual gratuity to the officers of the pay-office for carrying on and making up these accounts.

He knows of no objection to making up and passing the accounts of a subsequent Paymaster, though his predecessor's are not finished.

CHARLES BEMBRIDGE.

Guy Carleton,
T. Anguish,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 5.

The Examination of John Lloyd, *Esquire, Deputy Auditor of the Imprest to Lord Sondes, taken upon oath, the 14th and 16th of March, 1781.*

THIS examinant saith, That the final account of Lord Holland, as Paymaster General of the forces, for half a year, from the 25th of December, 1764, to the 24th of June, 1765, was delivered into the office of Lord Sondes, on the 11th of January, 1772. The reason why this account is not yet closed, is, that it came from the pay-office to the Auditor's office imperfect, with blanks: that since it came in, articles have at several times been added, by the pay-office, both to the charge and discharge: that the greatest part of this account has been examined and engrossed; but there are still some blanks left, which must be filled up before it can be completely closed: he has several

has always applied to the pay-office to complete this account, but it is not yet done. Were they to send it into the office correct and complete, with the balance ascertained, it would probably be ready for declaration within three months afterwards. It is the usual and most regular method in the office, not to finish one paymaster's account until those of his predecessors are closed. This mode is not absolutely necessary, for though the annual payments, by successive paymasters, follow each other in order of time, and should regularly be examined in the order in which they are made, yet they are not so connected with each other, as to prevent the passing of a subsequent paymaster's account before that of his predecessor's.

The balance declared, upon a final account, to be due from the Paymaster, is usually directed by the King's warrant to be paid to his successor.

It appears, from the books of the office, that Mr Charles Townshend's final account, from the 25th of December, 1765, to the 24th of June, 1766, was delivered into the office of Lord Sondes on the 12th of July, 1777, and that the final account of Lord North and Mr Cooke, from the 25th of December, 1766, to the 24th of December, 1767, was delivered into the same office on the 30th of October, 1779.

These two accounts are not yet perfect, neither the charges nor discharges are completed, but Mr. Townshend's account is under examination.

When an account is ready for closing, he returns the book of accounts to the pay office and desires them to complete it: upon receiving it back again, he examines the articles that are added, and if both offices agree in the balance, the account is closed. It is not in his power to form any judgment within what time these accounts will be ready for declaration, as it does not depend upon the office of the Auditor.

The Paymasters send their accounts to the Auditor's office at such times as they think proper; after they are delivered in, they lie open at the office, for any additions that may be made to them, at any time, until they are closed.

The Auditor has no power of compelling accountants to deliver in their accounts for examination.

JOHN LLOYD.

Guy Carleton,
T. Anguish,
Sam. Peach croft,
Geo. Drummond.

No. 6.

The Examination of John Bray, *Esquire, Deputy Auditor of the Imprest, to William Aislabie, Esquire, taken upon oath, the 14th, 16th, and 21st of March,* 1781.

THIS examinant saith, That it appears from the books of the office, that the account of Mr. Charles Townshend, as Paymaster General of the forces, from the 25th of June to the 24th of December, 1765, was delivered into the office of Mr. Aislabie on the 8th of February, 1776. This account is in great forwardness, and so near being completed, that if the warrants granting allowances to the deputy paymasters and others are procured by the pay-office, and delivered to the Auditor's office in a short time, and the regimental book, and book of account attested, he has reason to believe it will be ready for declaration at Midsummer next.

The

The account of Lord North and Mr. Cooke, from the [illegible] June to the 24th of December, 1766, was delivered into the same office on the [illegible] of October, 1779. This account is as yet imperfect, but is under examination.

The account of Mr. Cooke and Mr. Thomas Townshend, from the [illegible] of December, 1767, to the 24th of June, 1768, which is their only account, was delivered into the same office on the 15th of November, [illegible]. This account has not yet, that he knows of, been proceeded upon, as there are preceding accounts now in hand. The Auditor cannot make the accounts of the Paymasters General ready for declaration until they are made complete by, and the balance settled at, the pay-office.

In an account, intituled, Robert Paris Taylor, Deputy Paymaster in Germany, his general account current with the Right Honourable Lord Holland, Paymaster General, delivered by him or his agents into Mr. Auditor Aislabie's office some time, as he apprehends, in the year 1764, Mr. Paris Taylor has charged himself with several sums, amounting together to seven hundred eighty-six thousand three hundred fifty-seven guilders nine stivers, which at the rate of ten guilders fifteen stivers to the pound sterling, amounts, as he computes the same, to seventy-three thousand one hundred forty-nine pounds ten shillings and seven-pence, as a profit to the public on sundry payments made by him in Germany or elsewhere. It appears that the first article in the said account is dated in April, 1759, and is a sum received by him of Peter Taylor, at sundry times; the last article is a sum received by him on the 25th of July, 1763.

JOHN BRAY.

Guy Carleton,
T. Anguish,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 7.

The Examination of the Honourable Charles James Fox, *Esquire; taken upon oath, the 26th of March, 1781.*

THIS examinant saith, That he is interested in the residue of the personal estate of the late Henry Lord Holland, together with his brother Colonel Henry Fox, who is in America, and his nephew Henry Lord Holland, an infant about the age of seven years.

That there is a litigation depending between the executors of Lord Holland, and Mr. Robert Paris Taylor, who was one of his deputies, the determination of which may affect the balance due from the late Lord Holland, as Paymaster of the forces; as much of that balance as may be affected by that litigation, he objects to the payment of into the Exchequer; as to the residue, he has no objection, upon obtaining a quietus, or an indemnification equivalent thereto.

C. J. FOX.

Guy Carleton,
T. Anguish,
A. Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 8.

The Examination of the Right Honourable Caroline *Baroness* Greenwich; *taken upon oath, the 16th of March*, 1781.

HER Ladyship saith, That the sum of forty-four thousand four hundred twenty-two pounds four shillings and eight-pence, mentioned in the return made by her to the requisition of this board, dated the 29th of September last, is, to the best of her knowledge and belief, all the public money at that time remaining in her hands, custody, or power, as administratrix to the Right Honourable Charles Townshend, late Paymaster General of his Majesty's forces.

She has no objection to the payment of this balance into the Exchequer, upon receiving a proper discharge.

GREENWICH.

Guy Carleton,
T. Anguish,
A. Piggott,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 9.

The Examination of the Right Honourable Lord North; *taken upon oath, the 23d and 30th of March*, 1781.

LORD NORTH says, That the sum of sixty-three thousand seven hundred thirty-eight pounds three shillings and ten-pence, mentioned in the return made by him to the requisition of this board, dated the 10th of October last, is, to the best of his knowledge and belief, all the public money at that time remaining in his hands, custody, or power, as late Paymaster of the forces jointly with George Cocke, Esquire, deceased.

This sum is subject to the services for which it was granted, in case there are any demands upon those services unsatisfied, and to the payment of the fees of making up and passing his accounts, and the payment of the gratuities to the officers of the pay-office for carrying on and making up his accounts.

He has no objection to pay in the whole balance into the Exchequer, either upon receiving a quietus, or a security equivalent to a quietus, that may equally secure himself and his family from any further claims from the public upon him, as late Paymaster of the forces.

NORTH.

Guy Carleton,
T. Anguish,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond.

No. 10.

The Examination of the Right Thomas Townshend; *taken upon oath, the 27th of March*, 1781.

THIS examinant saith, That the sum of thirteen thousand one hundred seventy-one pounds fourteen shillings and nine-pence, mentioned in the return made by him to the requisition of this Board, dated the 30th of August last, is, to the best of his knowledge and belief, all the public money at that time

time remaining in his hands, custody, or power, as late Paymaster General of the forces jointly with George Cooke, Esq. deceased.

This balance is still liable to such services as were voted during the time he was in office, and have not been yet satisfied, and to the payment of the fees and usual gratuities for making up and passing his accounts.

He has no objection to the payment of the balance into the Exchequer, upon receiving a proper security and indemnification.

THO. TOWNSHEND.

Guy Carleton,
T. Anguish,
Sam. Beachcroft,
Geo. Drummond.

No. 11.

The Examination of George John Cooke, *Esq. taken upon oath, the 2d of April,* 1781.

THIS examinant saith, That he is interested, together with his brother, Charles Molloy, Esq. in the residue of the real and personal estates of the late George Cooke, Esq. deceased, his father, Paymaster General of the forces, jointly, at one time, with Lord North, and at another time with Thomas Townshend, Esq.

He has no objection to the balances upon the joint accounts of Lord North and the late George Cooke, Esq. and of Mr. Thomas Townshend and the late George Cooke, Esq. as late joint Paymasters of the forces, being paid into the Exchequer, upon receiving a quietus, or an indemnification equivalent thereto.

GEO. JOHN COOKE.

Guy Carleton,
T. Anguish,
Rich. Neave,
Sam. Beachcroft,
Geo. Drummond,

No. 12.

The Examination of Charles Molloy; *taken upon oath; the 3d of April,* 1781.

THIS examinant saith, That he is interested, together with his brother, Colonel George John Cooke, in the residue of the real and personal estates of George Cooke, Esq. his late father.

He has no objection to the payment into the Exchequer of the two balances, the one upon the joint account of Lord North and his late father, and the other upon the joint account of Mr. Thomas Townshend and his late father, as joint Paymasters of the forces, upon receiving a quietus, or an indemnification equivalent thereto.

CHARLES MOLLOY.

Guy Carleton,
T. Anguish,
A. Piggott,
Geo. Drummond.

No. 13.

"Gentlemen,

AGREEABLE to your precept, dated the 14th March, 1781, requiring an account of the total sums received and paid by Robert Paris Taylor, Esq. as Deputy Paymaster of the forces to the late Lord Holland, &c. I hereby acquaint you, that in the account entitled as follows:

Robert Paris Taylor, Deputy Paymaster in Germany, his general account current with the Right Honourable Lord Holland, Paymaster General, &c.

"The sum total charged in the said account amounts to 9,819,107 grs. 2 sts.; which being reduced into sterling, at the rate of grs. 10. 15 sts. to the pound sterling, produces £. 913,405. 6. 2¾—That the total of the discharge part thereof amounts to grs. 9,438,595. 14 strs. 12 d.; which, reduced into sterling, at the above rate, produces £. 878,008. 18. 1¼—And that the balance of the said account is grs. 380,511. 7 sts. 4 d.; which, reduced also into sterling, at the same rate, produces £. 35,396. 8. 1½.

"The surcharges, amounting to £. 12,052. 13. 10¼. for which the proper vouchers have not been produced to the Auditor, appear to be made a separate charge in Lord Holland's final account, ending Midsummer, 1765, and are not included in the aforegoing total of £. 913,405. 6. 2¾.

"The first and last dates in the charge are, April, 1759, and the 25th July, 1763.

I am, Gentlemen, with respect,
Your most obedient humble servant,

Auditors Office, JOHN BRAY,
27th March, 1781. Deputy to William Aislabie, Esq. Auditor."

The Commissioners of Public Accounts.

	Holland's Currency.			Sterling.		
	Grs.	*Strs.*	*D.*			
Total Charge	9,819,107	2	—	£. 913,405	6	2¾
Total Discharge	9,438,595	14	12	£. 878,008	18	1¼
Balance due by Robert Paris Taylor	380,511	7	4	£. 35,396	8	1½
	G. 9,819,107	2	—	£. 913,405	6	2¾

No. 14. An

An Account of the balance remaining in the hands of Henry Lord Holland, late Paymaster General of the forces, upon the 24th of June, 1765; and of the total sums received and paid by the said Lord Holland, or his representatives, from the 24th of June, 1765, to the 24th of December, 1765, and for every year from the said 24th of December to the 24th of December, 1780; with the total of the balances remaining in his hands at the end of each year.

		Sums received.			Sums paid.			Balances.		
Balance June 24, 1765	—	—	—		—	—		497,606	17	6
From June 25 to Dec. 24, 1765		419,773	16	3	456,590	15	—	36,816	18	9
Balance Dec. 24, 1765	—	—	—		—	—		460,789	18	9
Anno 1766	—	417,185	8	7	417,385	3	5	199	14	10
Balance Dec. 24, 1766	—	—	—		—	—		460,590	3	11
Anno 1767	—	240,590	—	1	245,839	3	10	5,249	3	9
Balance Dec. 24, 1767	—	—	—		—	—		455,341	—	2
Anno 1768	—	171,973	11	7	93,350	6	9	78,623	4	10
Balance Dec. 24, 1768	—	—	—		—	—		533,964	5	—
Anno 1769	—	10,234	9	3	47,670	10	2	37,436	—	11
Balance Dec. 24, 1769	—	—	—		—	—		496,528	4	1
Anno 1770	—	24,978	17	5	68,605	18	6	43,627	1	1
Balance Dec. 24, 1770	—	—	—		—	—		452,901	3	—
Anno 1771	—	5,402	1	6	1,799	5	11	3,602	15	7
Balance Dec. 24, 1771	—	—	—		—	—		456,503	18	7
Anno 1772	—	149	19	10	25,643	6	7	25,493	6	9
Balance Dec. 24, 1772	—	—	—		—	—		431,010	11	10
Anno 1773	—	341	15	3	919	5	3	577	10	—
Balance Dec 24, 1773	—	—	—		—	—		430,433	1	10
Anno 1774	—	—	5	6	1,998	19	4	1,9,8	13	10
Balance Dec 24, 1774	—	—	—		—	—		428,434	8	—
Anno 1775	—	6,467	—	1	1,281	8	2	5,185	11	11
Balance Dec. 24, 1775	—	—	—		—	—		433,619	19	11
Anno 1776	—	—	—		—	—		—	—	
Balance Dec 24, 1776	—	—	—		—	—		433,61[illegible]	19	11
Anno 1777	—	23,212	16	—	5,99[illegible]	7	5	17,213	8	7
Balance Dec. 24, 1777	—	—	—		—	—		450,833	8	6
Anno 1778	—	—	—		202,123	10	9	2[illegible]2,123	10	9
Balance Dec. 24, 1778	—	—	—		—	—		2[illegible],709	17	9
Anno 1779	—	1,166	—	5	1,181	4	2	15	3	9
Balance Dec. 24, 1779	—	—	—		—	—		248,694	14	—
Anno 1780	—	10,428	4	2	2,666	10	—	7,761	14	2

An account of the Balances in the hands of the Right Honourable Charles Townshend, Paymaster General of the forces, upon the 24th of June 1766; and of the sums received and paid by the said Charles Townshend, or his representatives, from the 24th of June, 1766, to the 24th of December, 1766, and for every year from the said 24th of December to the 24th of December, 1780; with the total of the balances remaining in his hands at the end of each year.

	Sums received.			Sums paid.			Balances.		
Balance June 24, 1766 —	——	—		——	—		196,097	5	—
From June 25 to Dec. 24, 1766	384,640	9	7	499,309	8	11	114,668	19	4
Balance Dec. 24, 1766 —	——	—		——	—		81,428	5	8
Anno 1767 —	439,533	16	7	333,100	—	2	106,435	16	5
Balance Dec. 24, 1767 —	——	—		——	—		187,862	2	1
Anno 1768 —	60,812	16	6	247,214	18	10	186,402	2	4
Balance Dec. 24, 1768 —	——	—		——	—		1,459	19	9
Anno 1769 —	99,203	2	3	64,967	1	10	34,236	—	5
Balance Dec. 24, 1769 —	——	—		——	—		35,696	—	2
Anno 1770 —	——	—		1,445	17	—	1,445	17	—
Balance Dec. 24, 1770 —	——	—		——	—		34,250	3	2
Anno 1771 —	4,541	2	8	——	—		4,541	2	8
Balance Dec. 24, 1771 —	——	—		——	—		38,791	5	10
Anno 1772 —	——	—		4,000	—	—	4,000	—	—
Balance Dec. 24, 1772 —	——	—		——	—		34,791	5	10
Anno 1773 —	——	—		586	12	6	586	12	6
Balance Dec. 24, 1773 —	——	—		——	—		34,204	13	4
Anno 1774 —	——	—		84	7	8	84	7	8
Balance Dec. 24, 1774 —	——	—		——	—		34,120	5	8
Anno 1775. —	100	—	—	34	16	1	65	3	11
Balance Dec. 24, 1775 —	——	—		——	—		34,185	9	7
Anno 1776 —	104	—	—	122	16	8	18	16	8
Balance Dec. 24, 1776 —	——	—		——	—		34,166	12	11
Anno 1777 —	——	—		——	—		——	—	
Balance Dec. 24, 1777 —	——	—		——	—		34,166	12	11
Anno 1778 —	——	—		——	—		——	—	
Balance Dec. 24, 1778 —	——	—		——	—		34,166	12	11
Anno 1779 —	——	—		——	—		——	—	
Balance Dec. 24, 1779 —	——	—		——	—		34,166	12	11
Anno 1780 —	2,217	10	11	652	8	4	1,565	2	7
Balance Dec. 24, 1780 —	——	—		——	—		35,731	15	6
Balance as above —				35,731	15	6			
Balances in the hands of sundry persons —				8,490	9	[illegible]			

An Account of the balance remaining in the hands of the Right Honourable Lord North and George Cooke, Esq. Paymaster General of the forces, upon the 24th of December, 1767 and of the total sums received and paid by the said Lord North and George Cooke, Esq. or his representative, from the 24th of December, 1767, to the 24th of December, 1768, and for every year from the said 24th of December to the 24th of December, 1780; with the total of the balances remaining in their hands at the end of each year.

	Sums received.			Sums paid.			Balances.		
Balance Dec. 24, 1767	——	—		——	—		94,758	13	[illegible]
Anno 1768	371,102	2	—	377,281	9	[illegible]	6,179	7	3
Balance Dec. 24, 1768	——	—		——	—		88,579	6	7
Anno 1769	111,985	18	1	149,024	18	1	37,039	—	—
Balance Dec. 24, 1769	——	—		——	—		51,540	6	7
Anno 1770	74,196	—	3	56,960	12	7	17,235	7	8
Balance Dec. 24, 1770	——	—		——	—		68,775	14	3
Anno 1771	——	—		11,626	10	10	11,626	10	10
Balance Dec. 24, 1771	——	—		——	—		57,149	3	5
Anno 1772	——	—		6,110	—	[illegible]	6,110	—	1
Balance Dec. 24, 1772	——	—		——	—		51,039	3	4
Anno 1773	——	—		35,117	11	[illegible]	35,117	11	9
Balance Dec. 24, 1773	——	—		——	—		15,921	11	7
Anno 1774	35,000	5	—	——	—		35,000	5	—
Balance Dec. 24, 1774	——	—		——	—		50,921	16	7
Anno 1775	——	—		35,000	—	—	35,000	—	—
Balance Dec. 24, 1775	——	—		——	—		15,921	16	7
Anno 1776	35,000	—	—	173	—	—	34,827	—	—
Balance Dec. 24, 1776	——	—		——	—		50,748	16	7
Anno 1777	22	2	8	35,000	—	—	34,977	17	4
Balance Dec. 24, 1777	——	—		——	—		15,770	19	3
Anno 1778	35,000	—	—	35,000	—	—	——	—	
Balance Dec. 24, 1778	——	—		——	—		15,770	19	3
Anno 1779	35,000	—	—	35,000	—	—	——	—	
Balance Dec. 24, 1779	——	—		——	—		15,770	19	3
Anno 1780	83,776	—	9	42,000	—	—	41,776	—	9
Balance Dec. 24, 1780	——	—		——	—		57,547	—	—

Balance as above	57,547	—	—
Balance in the hands of sundry persons	6,191	3	10
Amount of the public money in the hands, custody, or power, of the Right Hon. Lord North, late Paymaster General of the forces.			

No. 15.

An Account of the [illegible] in the hands of George Cooke and the Right Hon. Thomas Townshend, Paymaster General of the forces, upon the 24th of June, 1768; and of the total sums received and paid by the said George Cooke, or his representative, and the said Thomas Townshend, from the 24th of June, 1768, to the 24th of December, 1768, and for every year from the said 24th of December to the 24th of December, 1780; with the total of the balances remaining in their hands at the end of each year.

	Sums received.			Sums paid.			Balances.		
Balance June 24, 1768	—	—		—	—		117,211	15	5
From June 25 to Dec 24, 1768	201,825	4	4	275,677	—	1	73,851	15	9
Balance Dec. 24, 1768	—	—		—	—		43,359	19	8
Anno 1769	171,507	17	1	155,909	—	4	15,598	16	9
Balance Dec. 24, 1769	—	—		—	—		58,958	16	5
Anno 1770	4,807	2	10	50,102	17	6	45,295	14	8
Balance Dec. 24, 1770	—	—		—	—		13,663	1	9
Anno 1771	49	5	2	8,039	10	1	7,990	4	11
Balance Dec. 24, 1771	—	—		—	—		5,672	16	10
Anno 1772	—	—		4,041	12	3	4,041	12	3
Balance Dec. 24, 1772	—	—		—	—		1,631	4	7
Anno 1773	—	—		856	2	10	856	2	10
Balance Dec. 24, 1773	—	—		—	—		775	1	9
Anno 1774	—	—		50	—	—	50	—	—
Balance Dec. 24, 1774	—	—		—	—		725	1	9
Anno 1775	—	—		46	—	—	46	—	—
Balance Dec. 24, 1775	—	—		—	—		679	1	9
Anno 1776	—	—		—	—		—	—	
Balance Dec. 24, 1776	—	—		—	—		679	1	9
Anno 1777	—	—		—	—		—	—	
Balance Dec. 24, 1777	—	—		—	—		679	1	9
Anno 1778	—	—		—	—		—	—	
Balance Dec. 24, 1778	—	—		—	—		679	1	9
Anno 1779	—	—		—	—		—	—	
Balance Dec. 24, 1779	—	—		—	—		679	1	9
Anno 1780	8,880	3	5	—	—		8,880	3	5
Balance Dec. 24, 1780	—	—		—	—		9,565	5	2

Balance as above	9,565	5	2
Balances in the hands of sundry persons	3,606	9	5
Amount of the public money in the hands, custody, or power, of the Rt. Hon. Tho. Townshend, late Paymaster General of the forces, jointly with George Cooke.			

No. 18.

Calculation of the Interest at 4 per cent. per annum, *upon the Annual Balances in the Hands of the late Paymasters General of the Forces, since they severally resigned their Offices.*

Lord Holland's Balances,	£.				Annual Interest. £.	s.	d.
Interest upon	460,590,	from	24 Dec. 1765 to 24 Dec.	1766	18,423	12	—
Ditto	455,341,	from	24 Do. 1766 to 24 Do.	1767	18,213	12	—
Ditto	533,964,	from	24 Do. 1767 to 24 Do.	1768	21,358	11	—
Ditto	496,528,	from	24 Do. 1768 to 24 Do.	1769	19,861	2	—
Ditto	452,901,	from	24 Do. 1769 to 24 Do.	1770	18,116	—	—
Ditto	456,503,	from	24 Do. 1770 to 24 Do.	1771	18,260	2	—
Ditto	431,010,	from	24 Do. 1771 to 24 Do.	1772	17,240	8	—
Ditto	430,43[illegible],	from	24 Do. 1772 to 24 Do.	1773	17,217	6	—
Ditto	428,4[illegible]4,	from	24 Do. 1773 to 24 Do.	1774	17,137	7	—
Ditto	433,619,	from	24 Do. 1774 to 24 Do.	1775	17,344	15	—
Ditto	433,619,	from	24 Do. 1775 to 24 Do.	1776	17,344	15	—
Ditto	450,833,	from	24 Do. 1776 to 24 Do.	1777	18,033	6	—
Ditto	248,709,	from	24 Do. 1777 to 24 Do.	1778	9,948	7	—
Ditto	248,694,	from	24 Do. 1778 to 24 Do.	1779	9,947	15	—
Ditto	248,694,	from	24 Do. 1779 to 24 Do.	1780	9,947	15	—
				Total	248,394	13	—

Mr. Charles Townshend's Balances.

Interest upon	18,86[illegible],	from	24 Dec. 1766 to 24 Dec.	1767	7,514	9	—
Ditto	1,459,	from	24 Do. 1767 to 24 Do.	1768	58	7	—
Ditto	35,6[illegible]6,	from	24 Do. 1768 to 24 Do.	1769	1,427	16	—
Ditto	34,2[illegible]0,	from	24 Do. 1769 to 24 Do.	1770	1,370	—	—
Ditto	38,791,	from	24 Do. 1770 to 24 Do.	1771	1,551	12	—
Ditto	34,791,	from	24 Do. 177[illegible] to 24 Do.	1772	1,391	12	—
Ditto	34,204,	from	24 Do. 1772 to 24 Do.	1773	1,[illegible]68	3	—
Ditto	34,170,	from	24 Do. 1773 to 24 Do.	1774	1,364	16	—
Ditto	34,185,	from	24 Do. 1774 to 24 Do.	1775	1,367	8	—
Ditto	34,166,	from	24 Do. 1775 to 24 Do.	1776	1,366	12	—
Ditto	34,166,	from	24 Do. 1776 to 24 Do.	1777	1,366	12	—
Ditto	34,166,	from	24 Do. 1777 to 24 Do.	1778	1,366	12	—
Ditto	34,166,	from	24 Do. 1778 to 24 Do.	1779	1,366	12	—
Ditto	34,166,	from	24 Do. 1779 to 24 Do.	1780	1,366	12	—
				Total	24,247	3	—

Lord North and Mr Cooke's Balances.

Interest upon	88,579,	from	24 June 1768 to 24 Dec.	1768	1,771	11	—
Ditto	51,540,	from	24 Dec. 1768 to 24 Dec.	1769	2,061	12	—
Ditto	68,775,	from	24 Do. 1769 to 24 Do.	1770	2,751	—	—
Ditto	57,149,	from	24 Do. 1770 to 24 Do.	1771	2,285	19	—
Ditto	51,039,	from	24 Do. 1771 to 24 Do.	1772	2,041	11	—
				Carried over	10911	13	—

		Annual Interest.	
		£.	s. d.
	Brought over	10911	13 —
Interest upon 15,921, from 24 Dec. 1772 to 24 Dec.	1773	636	16 —
Ditto 50,921, from 24 Do. 1773 to 24 Do.	1774	2,036	16 —
Ditto 15,921, from 24 Do. 1774 to 24 Do.	1775	636	10 —
Ditto 50,748, from 24 Do. 1775 to 24 Do.	1776	2 029	18 —
Ditto 15,770, from 24 Do. 1776 to 24 Do.	1777	630	16 —
Ditto 15,770, from 24 Do 1777 to 24 Do.	1778	630	16 —
Ditto 15 770, from 24 Do. 1778 to 24 Do.	1779	630	16 —
Ditto 15,770, from 24 Do. 1779 to 24 Do	1780	630	16 —
	Total	18,775	3 —

Mr. Cooke and Mr. Thomas Townshend's Balances

Interest upon 58,958, from 24 Dec. 1768 to 24 Dec	1769	2,358	6 —
Ditto 13,663, from 24 Do. 1769 to 24 Do	1770	546	10 —
Ditto 5,672, from 24 Do. 1770 to 24 Do	1771	226	17 —
Ditto 1,631, from 24 Do. 1771 to 24 Do.	1772	65	4 —
Ditto 775, from 24 Do. 1772 to 24 Do	1773	31	— —
Ditto 725, from 24 Do. 1773 to 24 Do	1774	29	— —
Ditto 679, from 24 Do. 1774 to 24 Do.	1775	27	3 —
Ditto 679, from 24 Do 1775 to 24 Do.	1776	27	3 —
Ditto 679, from 24 Do 1776 to 24 Do.	1777	27	3 —
Ditto 679, from 24 Do. 1777 to 24 Do	1778	27	3 —
Ditto 679, from 24 Do. 1778 to 24 Do	1779	27	3 —
Ditto 679, from 24 Do. 1779 to 24 Do	1780	27	3 —
	Total	3,419	15 —
	Total of Interest,	294,836	14 —

In the above calculation, no interest is reckoned upon the balance in the hands of the paymaster during the first six months after he resigned his office; the balance remaining in his hands at the end of each year is the sum on which interest is cast for the foregoing twelve months. Interest for the year 1780 is reckoned only upon the balance of the year 1779, and not upon any money received by him during the year 1780.

No. 19.

An account of the Publick Money issued from the Receipt of the Exchequer to the following paymasters-general of the forces, by way of imprest and upon account, from the 1st of January, 1756, *to the 30th of September,* 1780.

Henry Fox, Esq. afterwards Lord Holland	—	45,907,607l. 16s. 4½d.
Charles Townshend, Esq.	——	2,138,519l. — 4½d.
Frederick Lord North and George Cooke, Esq.	—	1,957,543l. 14s. 3½d.
George Cooke and Thomas Townshend, Esqrs.	—	570,813l. 11s. —¼.

REPORT *from the Committee to whom the petition of* John Touchet *and* John Irving, *agents for the Britiſh ſubjects reſiding in the provinces of Bengal, Bahar, and Oriſſa, and their ſeveral dependencies, whoſe names are ſubſcribed to the petition thereinafter ſet forth; and alſo the petition of* Warren Haſtings, *Eſq. Governor-General, and of* Philip Francis *and* Edward Wheler, *Eſqrs. Counſellors for the government of the Preſidency of Fort William, in Bengal; and alſo the petition of the United Company of Merchants of England, trading to the Eaſt-Indies, were ſeverally referred.*

YOUR Committee having taken into conſideration the above petitions of the Governor-General and Council of Bengal, and of the Britiſh inhabitants of the provinces of Bengal, Bahar, and Oriſſa, relative to the proceedings and claims of the Supreme Court of Judicature (ſo far as thoſe proceedings and claims are alledged to affect the exerciſe of the powers of legal government, the peace and ſecurity of the provinces, the adminiſtration of civil and criminal juſtice, the collection of the public revenues, and the inſtitutions, cuſtoms, and prejudices of the native inhabitants, as well as the rights and privileges of Britiſh ſubjects reſiding in that part of India.)

And, in order to collect, and lay before the Houſe, a body of facts, which might ſerve as a foundation for ſuch proviſion as the wiſdom of Parliament may ſee fit to make, towards the future tranquility and welfare of theſe provinces, in every point of view ſo important to this kingdom, your Committee have read a number of papers tranſmitted from India to the Court of Directors, and to the office of Secretary of State for the ſouthern department; and have alſo carefully examined ſeveral witneſſes, competent to afford full information on all the objects of inquiry which your Committee have been empowered to bring under their view.

On theſe witneſſes your Committee think it proper to obſerve, that although they are all perſons minutely converſant in the affairs of Bengal, yet ſome of them appear to be, directly or indirectly, concerned in ſeveral of the tranſactions which have brought on the late diſputes. Some alſo who are to return to India, though not themſelves parties, may become, on account of evidence, obnoxious to thoſe who are engaged in the preſent contentions, and who ſtill remain there in different deſcriptions of power. Others too have ſtood, and (if any prejudice does ariſe from the relative ſituations of men in authority in that country) may again ſtand, in ſituations which may poſſibly render them as much prejudiced, as any of the preſent parties, againſt the powers claimed and exerciſed by the Supreme Court.

Theſe obſervations, with regard to the evidence, your Committee hold it their duty to ſuggeſt; but the Committee did not think themſelves juſtified in rejecting any teſtimony, on account of circumſtances which ſeem unavoidable in ſo narrow a ſociety as that formed by the natives of Great-Britain reſident in Bengal; nor in withholding from the Houſe on their own opinion, any matter of information derived from the only ſource from whence the neceſſary information can be drawn.

A difficulty nearly of the ſame nature occurred, with regard to the written evidence; a great part of the papers tranſmitted not having been previouſly communicated to each other by the contending parties.—The advantages, therefore, to be derived from their reciprocal corrections and explanations, from their denials of unproved, and their ſupplements of defective, facts, is thereby inevitably loſt to the Committee, and to the Houſe.

... expedient also, to state to the House, that no agent hath been appointed, or did attend the Committee, on the part of the Supreme Court of Judicature. No verbal evidence for them was pointed out to your Committee, except a suggestion, that they wished Mr. Barwell, late one of the Council General to be examined; and him your Committee did examine accordingly. For the rest, the whole of the matter alledged in favour of their claims, or in justification of the proceedings of that Court, is contained in the letters of the Judges to the Court of Directors, in their letters to the Secretaries of State, and in their arguments (as they are taken) in giving judgment on sundry cases tried before them.

But, in the midst of these difficulties, your Committee have the satisfaction to find, that no controversy exists concerning the leading facts which have given rise to the dispute. The principal difference between the parties, consisting in the motives assigned for the acts mutually complained of, and the tendency of these acts to the public benefit or prejudice. And it is remarkable, that an unusual degree of consistency or uniformity prevails in the evidence delivered by so many persons, on the customs, manners, and dispositions of the natives of India; and your Committee conceive, that this body of evidence, together with the other materials contained in this report, will fully enable the House to determine on the fitness or unfitness of the application of the laws of England to the government of that people, or in deciding on the extent of the jurisdiction of the Supreme Court, for the purpose of superseding or controlling, or making it supplemental to the country courts which now act in Bengal, according to the forms, and on the principles long prevalent in that part of India, which are totally different from, and in many respects repugnant to, the laws and usages of this kingdom.

Your Committee applied themselves in examining the matter of the petitions referred to them, to the general administration, 1st, of civil justice; 2dly, of criminal justice; 3dly, of justice in revenue matters, or those which arose from obligations contracted on account of revenue. This general enquiry has naturally taken in the descriptions of people, as well as the quality of the causes, which became objects of the disputed jurisdiction of the Supreme Court.

But as the principles which regulated the administration of justice under these several heads, are to be found in certain causes of importance, litigated in the Supreme Court, and are best elucidated by them, your Committtee thought it their duty to report particularly the facts which have appeared in the agitation of these causes; stating the others in a more summary manner, and solely to afford to the House a view of the extent and operation of the principles laid down in the leading causes; they therefore directed their principal attention to the Patna cause, the Dacca cause, the Cossijurah cause, and the effects of the execution of the Rajah Nundcomar, on a criminal charge, prosecuted to conviction and sentence under the statute law of England.

Your Committee find, that the differences between the Judges of the Supreme Court and the Governor General and Council, which have lately broken out into an open and avowed resistance by a military power, to the process of the law, began very early after the arrival of the Judges at Calcutta; and that, after having proposed, without effect, various arrangements amongst themselves, for settling the matters in dispute, the Governor General

ral and Council made, in the course of their correspondence, representations against the proceedings of the Judges of the Supreme Court, and the principles laid down by them relative to the extent and objects of their jurisdiction, and stated, in a very strong manner, the effect which they apprehended would result from their perseverance in such proceedings and principles.

Your Committee find, That the Directors of the East-India Company, in consequence of the said representations, on the 19th of November, 1777, sent a letter to Lord Weymouth, Secretary of State for the southern department. In this letter they state,

First, That the Court has extended its jurisdiction to persons whom it does not appear to have been the intention of the King or Parliament to subject to its jurisdiction.

Secondly, That it has taken cognizance of matters, both originally and pending the suit, the exclusive cognizance of which, they humbly conceive it to have been the intention of the King and Parliament to leave to other courts.

Thirdly, That it has claimed a right of demanding evidence, and of inspecting records, which they conceive it had no right to demand or inspect.

Fourthly, That the Judges consider the criminal law of England as in force, and binding, upon the natives of Bengal, though utterly repugnant to the laws and customs by which they have formerly been governed.

Under each of these heads, the Directors of the East-India Company have stated a variety of facts, and have added arguments with respect to the consequences likely to result from the jurisdiction assumed and exercised by the Supreme Court of Judicature.

This letter, containing a summary of all the principal matters disputed or complained of in the administration of justice, from the arrival of the Judges in India to the beginning of the year 1777, your Committee beg leave particularly to refer the House to a copy thereof *.

Your

* The following is an authentic copy of the above-mentioned letter.

To the Right Honourable the Lord Viscount Weymouth, one of his Majesty's principal Secretaries of State.

My Lord,

IT is not without reluctance, that we trouble your Lordship a second time, on the subject of the several letters and papers addressed to us, either by the governor general and council, or by the judges of the supreme court of judicature in Bengal, of these we have lately transmitted copies to your lordship: and the necessity we feel of giving precise instructions to the governor general and council, as well for their own conduct, as for that of the subordinate settlements, and our earnest desire to conform ourselves in these instructions, to what his Majesty in his wisdom shall see fit, compel us to apply again to your lordship on this subject.

In the papers to which we refer your lordship, it is stated, that the jurisdiction exercised by the supreme court of judicature established by his Majesty's letters patent at Bengal, has involved the servants of the company, and officers of the revenue acting under their authority, in circumstances of difficulty and distress.

That

Your Committee then proceeded to the cause of Nadarah Begum, against Behader Beg, Cauzee Sadhee, Muftee Baraftoolah, and Muftee Gullaum Mukdoom, generally known by the name of "The Patna cause."

This

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That the exercise of this jurisdiction must inevitably tend to render the collection of the company's revenues impracticable, to abridge the power of the supreme council and subordinate factories, and thereby to prevent the carrying of any useful plan into execution for settling the country, and for establishing the government thereof on a solid and permanent foundation.

That another consequence to be feared from the exercise of this jurisdiction, is the alienation of the minds of the natives, who cannot, without great concern, see a body of laws introduced which clash with their constitution, peculiarities, and with their religious sentiments and prejudices, and who must feel the most sensible alarms on finding themselves exposed to have their persons seized, and their laws of property changed, by the orders of a court to whose jurisdiction they were strangers.

Nor can we suppose, that these fears and apprehensions will appear to your lordship to be without foundation, when in the annexed papers you observe it to be stated,

I. That the court has extended its jurisdiction to persons whom it does not appear to have been the intention of the King or of Parliament, to submit to its jurisdiction.

II. That it has taken cognizance of matters, both originally and pending the suit, the exclusive cognizance of which we humbly conceive it to have been the intention of the King and Parliament to leave to other courts

III. That it has claimed a right of demanding evidence, and of inspecting records, which we conceive it had no right to demand or inspect.

Under the first head, your lordship will observe it is stated,

That writs have been issued by the supreme court into all parts of the provinces, for bringing up Zemindars, farmers, and other natives, proprietors of lands, to the court of Calcutta, at the suit, and to answer to complaints, of natives

That by such a writ, among others, Rajah Cheyton Sing, Zemindar of Bissenpore, a native of high rank and consideration, neither directly nor indirectly a servant of the company, was ordered to be brought before the supreme court at Calcutta.

That the committee at Burdwan having, out of regard as well to the rank of this Rajah, as to the interests of the company (to whom he stood considerably indebted as a renter) offered bail for his appearance within the space of twenty days.--That bail was accepted by the sheriff, but some of the proceedings not having been made within the time required by the rules of the court (which rules, it is conceived, a person not subject to its jurisdiction, is not bound to know) an officer of the court was dispatched with a second peremptory order not to accept bail, but to bring the Rajah before the court for contempt.

That the said Rajah, having been brought to Fort William by a capias, was then arrested as an *inhabitant of Calcutta*, confined for a considerable time in the common gaol, and said to be subject to the jurisdiction of the court, *for holding an employment under* the company, and for receiving a certain salary by the year, or otherwise;

This cause appears, both in some of the collateral points determined in it, and in its general principle and final issue, to have involved consequences very

otherwise, though, in fact, he only receives, as a principal Zemindar, a portion of the rents of his own lands, under the title of an allowance or pension from the company, whose representatives, in their character of Dewan, have thought fit to transfer the management of those lands to other persons

That the whole proceedings against him, appear to our servants at Fort William replete with irregularity and injustice, and to be so much the more alarming, as almost all the Zemindars of the country, standing in the same predicament, would feel themselves exposed to the same dangers. It is further stated, that before it can be determined, whether the single circumstance of natives of Bengal, receiving a small portion of their own estates for their subsistence, constitutes an employment under the Dewan, so as to subject them to the legal jurisdiction of the court, "the parties are sure to suffer every distress and oppression with which the attornies of the court can easily contrive to harass and intimidate them," to all which they must submit, as well as finally to the jurisdiction of the court, unless they are advised to plead to that jurisdiction, and are able to p[illegible] that [illegible], unless a native of Bengal be able, from an act of Parliament which the governor general and council have declared liable to different constructions, to prove himself not subject to the jurisdiction of the supreme court

That a like writ was issued to bring Bissember, another native, a farmer of a part of the districts called Khas Talooks, to answer before the court in a plea of of trespass set up against him by Bi[illegible]o Kilhow, Malzamin of Azeem Gunge, likewise a native

That a like writ was issued to bring Sibnarain, the Zemindar, and Ramsunker Buh[illegible]y, Naib of Pergunnah of Chunder Deep, &c. to answer in a plea of debt to O[illegible]lul San, formerly Naib of the same Pergunnah

That like writs have been issued for arresting *for debt*, to persons, servants of the Nizamut who had never been in the employ either of the company or of any British subject

That on a prosecution for debt, a warrant was likewise issued to apprehend Annunderam Roy, Zemindar of the seven Anna Division of Tumlook, who is a farmer of his own lands, collects the revenues merely as farmer, and not as an officer of the company, or of the country government

That another native, named Ramconto Baboob[illegible] who was in confinement in the Cutcherry, to answer two decrees of the Dewannee Adawlut, was seized by a Sheriff's officer while under charge of an escort of the officers of the said Cutcherry, where he had been to adjust his accounts respecting arrears of revenue for which he was security.

That petitions have also been presented to the governor general and council, from five principal Zemindars, complaining of warrants having been issued from the supreme court, and of the prejudice arising from the abuse of the authority vested in the persons sent to execute those writs

That the committee of revenue at Calcutta have represented to the governor general and council. that the arzees, or petitions, of the said Zemindars, speak so clearly for themselves, that they need little comment, but the committee however

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very important to the happiness of the native inhabitants, and to the interests of the Company; insomuch, that the Governor General and Council were unanimously

ever observe, that the peons, or officers sent by the supreme court to the Zemindar of seven Annas Tumlook, had acted in a most unjustifiable manner, not only *in prohibiting his women from fire and water*, but particularly in entering their apartments, which till that time had, by all governments, been held sacred, and they express their hope, that such unwarrantable behaviour will be noticed by the governor general and council in the manner it deserves as such act of violence, and such violation of the Hindoo laws, must not only disgrace us as a national body with the natives, *but likewise breed a disgust in their minds, that may tend to the most serious consequences*, not to mention the inevitable loss occasioned to the revenue, which they have reason to think will be great, from the heavy balances remaining to be collected and they further observe, that by the servants of government being seized and confined in gaol, and the confusion occasioned thereby in the Mofussil, they have the most melancholy prospect before them.

That though they have frequently troubled the governor general and council on subjects of this nature, they beg leave to repeat, that from daily experience they find the authority with which they are invested, absolutely, or very nearly annihilated---That their black servants fear to do their duty, and that they know not how to compel them, for the reasons abovementioned, that from despair of being able to conduct the business of their department, either to their own credit, or to the satisfaction of the governor general and council, they are almost tempted to request permission to resign their several employments in the revenue branch, but as they consider such a step might subject them to the censure of deserting the interests of the company, at a time when the most strenuous services are required, they determine to persevere in the best manner they are able in their endeavours for their service, relying at the same time on their justice, not to hold them responsible for that success in their affairs, which they have it not in their power to insure.

Your Lordship will permit us to observe, that the petitioners abovementioned declare they are the King's (meaning the Mogul's) Zemindars, that they are neither in the service of the company, nor of any English gentleman, that having had no practice in English courts, they can form no idea thereof, that they are required to give Pottah, or leaseholders in Calcutta, for securities which they cannot expect to obtain, that therefore they are distressed beyond measure, and request, if any man have any just claim upon them, that he may be obliged to prefer it either in the Khalsa, which is the revenue office, or in the Adawlut, which is the Dewannee court of judicature, but that they are terrified at the thoughts of the supreme court.

That when they attend at Calcutta for the purpose of paying the government's revenue, warrants are issued against them by the supreme court, in consequence of old bonds produced, which have been executed by their fathers and grandfathers, and that by the said warrants they are put in fear of their lives.

That a like representation has been received from the Zemindar of Cherruleah and Muddoliah, setting forth, that his deputy had been apprehended by warrants from the supreme court, and conveyed to Calcutta. And the Zemindar of Cherruleah and Muddoliah has assured the provincial council, that his Naib or deputy

unanimously of opinion, that the nature as well as the importance of the suit rendered it incumbent on them, on the part of the Company, to undertake its

party never was employed in the service of any British subject, and the Naib of Chunder Deep (abovementioned) had just before, at the suit of Ond-up-Seeh, made affidavit to that effect before the chief of the third council, under a commission issued by the supreme court of judicature for that purpose.

And the said council further represent, that the members of administration are unable to take any cautionary measures till the warrants of the supreme court has operated; that the subsequent dismission of the suit, in cases where the process is stopped by the defendant's affidavit, that he never was employed in the service of any British subject, affords no reparation for the detriment sustained in the interim by government, owing to the extreme difficulty of recovering balances from the inferior landholders, when though the proper season of payment is elapsed.

That a petition has likewise been presented by the Ramjoy Sing, a native of India, and Naib of Noorool...ore, ... that a warrant has issued against him from the supreme court, though he declared he is not nor ever was in the service of the English, and offers to make affidavits that he is not amenable to the said suit.

In all these instances we humbly conceive, that the persons over whom the court has extended its jurisdiction, do not fall within any of the classes of persons over whom jurisdiction is given to the court, either by the act of parliament, or by his Majesty's charter of justice.

Both in the act and in the charter, *three*, and *only* three classes of Persons are included over whom jurisdiction is given to the court.

... *British subjects* residing in the kingdoms or provinces of Bengal, Bahar, and Orissa, under the protection of the company.

... Persons employed directly or indirectly in the service of the company, or any of his Majesty's subjects.

... Inhabitants of India, entering into *written* contracts with any of his Majesty's subjects, and in such contracts *stipulating*, that, in case of dispute, the matter shall be heard and determined in the supreme court.*

But your Lordships will perceive, that in the instances above recited, the persons over whom the court assumed jurisdiction, do not fall within either of these classes; they are not British subjects. It is not pretended, that in any written contract with British subjects, they had made the stipulation necessary to bring them within the jurisdiction of the court; nor, as we conceive, could they be said to be *employed* by, or to be in the service of, the company, or of British subjects. Persons employed as servants, perform services, and receive a stipend for those services. Farmers perform no services, receive no stipend, they only convey one property in exchange for another property.

We must further submit it to your lordship's wisdom, whether the bare circumstances of receiving an annual or other stated payment, can of itself, in all cases, be sufficient to bring persons otherwise exempted, within the jurisdiction of the court.

* Geo III Chap. 63 Sect 14, 16.

† Letter Patent, establishing the Supreme Court of Judicature at Fort William in Bengal 14th Geo III. Fol 10, 11.

defence; and a majority of that Board were afterwards induced, by the same considerations, to extend still further their protection to the defendants.

The

The second head of complaint which occurs in the annexed papers, is, that the supreme court of judicature has taken cognizance of *matters*, both originally and pending the suit, the exclusive cognizance of which, we conceive it to have been the intention of the King, and of Parliament, to leave to other courts.

And here your lordship will allow us to observe, it is in the governor and council that the act for the better management of the affairs of the company, has vested, in express terms, "the ordering, management, and government of all the territorial acquisitions and revenues in the kingdoms of Bengal, Bahar, and Orissa, in like manner, to all intents and purposes whatsoever, as the same then (at the passing of the act) were, or at any time theretofore might have been exercised by the president and council, or select committee, in the said kingdoms."

By these words, we humbly conceive it to have been the intention of the legislature, to rest in the Dewannee courts and provincial councils, subject only to the controul of the governor general and council established by this act, the exclusive jurisdiction, in all causes which merely concern the revenue, in the same manner as before the passing this act the same had been vested in the Dewannee courts or provincial councils, subject only to the controul of the ancient president and council. And this idea we conceive to be the better founded, because, where it was the intention of his Majesty, or the Parliament, to convey the whole of the jurisdiction of any ancient court to the new court of judicature, the ancient court is declared to be abolished, and it is expressly commanded, that the records, muniments, and proceedings thereof, be deposited in the custody of the new court.† Where it was intended to give the new court any participation in, or controul over, an ancient court, such participation and controul is given in express words.‡

We cannot therefore but conclude, that if it had been the intention of the King, or of Parliament, to transfer the jurisdiction of the company, as Dewan of Bengal, Bahar, and Orissa (which jurisdiction is exercised either by the Dewannee courts, or by the respective councils of the several presidencies) to this new court, or had it been the intention of the King, or of Parliament, to give to this court a participation in, or controul over the others, there would have been clauses containing specific provisions for that purpose, whereas, neither the act nor the charter have, in this respect, made any alteration in the rights of the company, or in the powers heretofore exercised by their representatives in matters of revenue.

Yet your lordship will observe it stated, that one of the judges,§ in a charge to the grand jury, asserts, "that a very erroneous opinion has been formed by the governor general and council, distinguishing the situation of the East India Company, as Dewan, from the common condition of a trading company. That he makes no scruple of avowing a decided opinion, that no true distinction can be made in reason, in law, or in justice, between the East India Company as a trading

* 13th Geo III Cap 63 Sec ~.

† As in the Case of the Mayor's Court, 13 Geo III. C 63 Sect 19, 20

‡ As in the Cases of Courts of Request, and Court of Quarter Sessions.—See Charter, folio 25.

§ Mr. Justice Le Maistre.

company

The cause having thus attracted great public notice, and been made the subject of various and of repeated discussion, the proceedings swell'd to a great

company, and the East India Company as Dewan of these provinces." With respect to the management of the territorial revenues, your lordship will observe it stated, that the same judge, on the same occasion, declares, "that the only true interpretation of the act of Parliament is, that the management and government attributed by the act to the council, are not exclusive, but subject to the jurisdiction of the King's court (meaning the supreme court of judicature in Bengal) and that it will be equally penal in the company, or in those acting under them, to disobey the orders and mandatory process of the court, in matters *which merely concern the revenues*, as in any other matter or thing whatsoever."

And your lordship will perceive, that in this charge, Mr. Justice Le Maistre does not deliver his own single opinion, but speaks the language of the bench; a language confirmed and supported by the frequent claim and exercise of a supreme controlling jurisdiction, *in matters which merely concern the revenues*. In the perusal of the annexed papers, instances will occur to your lordship, where this jurisdiction has been actually exercised by the court, others, where, though not actually exercised by the court, it has been held out in terrorem by the officers of the court, and, so far as it appear from these papers, without any mark of disapprobation on the part of the court; for there your lordship will find it stated,

That Bancaram Roy, a Gentoo, confined by order of the Dewannee Adawlet at Moorshedabad, was brought up by a writ of habeas corpus, directed to the keeper of the gaol of the Adawlet, and discharged by order of the supreme court.

That Hurry Kishen Tagore, of Calcutta, and farmer of the pergunnah of Aursah, in the province of Burdwan, having underlet a part of the pergunnah to Colly Persaud Bose, and Rampersaud Bose, and the said under-tenants being considerably in arrears to the farmer, he applied, in the usual form, for relief, to the council of revenue at Burdwan, where and where only, by the practice of the country, and by the faith of government, he had a right to be relieved. That on this application, the usual orders were issued for the immediate payment of the sum, or for the appearance of the defendants at Burdwan, to shew cause why they ought not to be compelled to pay. That on the receipt of these orders, the defendants promised to make good their payment, but after various delays and evasions, they signified, by their attorney, to the plaintiff, that they, the defendants, were amenable to the supreme court alone, and would commence a prosecution against the plaintiff for the demand made on them in the revenue council of Burdwan.

That in the case of Nunny Hurry Bysaack, against Ramnaut Mundell, farmer of the Colly Colly Gunge, an attorney of the supreme court sent a formal notice to Ramnaut Mundell, that he should institute a suit in that court for the recovery of a sum of upwards of 37,000 rupees, which the plaintiff pretended to be due to him from the defendant, for monies had and received on account of the farm, and which therefore was, we conceive, to be sued for and recoverable only before the council of revenue.

That a general opinion seemed to prevail among the pykars, or salt brokers, that they should be supported by the supreme court, in their refusal to have their

such as may enable them to understand clearly, and to form a judgment on such points arising out of it, as may be thought material for its consideration; without,

other courts, the company's office of Dewan is in effect annihilated, and the country government in that respect totally subverted

Under the third head of complaint, stated in the annexed papers, namely, the claim made by the court, of demanding evidence and inspecting records, which it is conceived they had no right to demand or inspect, your lordship will observe,

That in an action brought by Mr Stuart against Mr Auriol, for the recovery of 1800 rupees, being the amount of one month's salary annexed to the office of secretary of the council, the plaintiff's attorney addressed a letter to Mr Bruere, assistant secretary of the board, requiring him to produce in court the following records of the board, viz

1st. A general letter, dated *some time* in the year 1770, from the then president and council at Calcutta, to the court of directors in England

2d. A general letter of the 10th of April, 1771, from the court of directors, to the president and council at Calcutta.

3d. The proceedings in council of the 26th September, 1772

4th. The instruction sent out by the court of directors to the governor general and council, in pursuance of the act of the 13th of his present Majesty

5th The consultations of the governor general and council of the 21st and 24th of August, then last past

That Mr Bruere having communicated this letter to the board, the requisition contained in it appeared to them so extraordinary and unprecedented, that it was resolved, by a majority of the board, not to comply therewith,

That in consequence of this refusal, Mr. Bruere was served with a subpoena *duces te cum* and having attended the court without the papers, he was told, that by not producing the papers he had brought all the damages of the suit upon himself and having answered, that he could not produce in court the records of council, without the express orders of the board, and that the board being acquainted with requisition of the plaintiff's attorney, had ordered him not to produce the papers demanded, he was required by the court to declare whether *all the* members of the board had been unanimous in giving the order not to produce the papers, and if not, which of the members had voted for, and which against the producing of the papers, and it being objected by the counsel for the defendant, that Mr Bruere could not answer these questions, without *a breach of his trust, as secretary to the board*, the court insisted on his giving positive answers thereto, and divulging, in *open court*, the separate opinions of the several members of the board, assigning as a reason for this order, that the withholding of the papers was a direct denial of justice, and that as the *board was no corporation* the individual members who had concurred in the refusal, were each of them severally liable to *account* for such refusal.

That the court would then have charged the said Mr Bruere with a message to the board, intimating, that the court supposed the refusal of the board to have arisen only from an idea that the requisition came from a wrong quarter, and informing them, that such requisitions were always made by the attorney from one or other of the parties, thereby implying, that the requisition was a matter of right, and adding, that the court *required* the papers to be produced in evidence

without, however, burthening the attention of the House with matter which relates only to the particular merits of this cause, and does not affect the general

dence at the trial of the cause, but Mr Bruere having declined to be the bearer of the said message, Mr Scrimpton, Prothonotary of the court, was ordered to deliver the same

That the board persisting in their former resolution, not to send the papers demanded according to the general requisition but desirous, at the same time, of shewing all possible attention to the court, determined to comply with what they conceived to be the real intent and object of the requisition

For this purpose, knowing that many of the papers demanded contained matters totally foreign from the suit in question, and conceiving, that neither such instructions from the directors, nor such letters to the directors, as had no relation to the suit, nor such proceedings of the council as contained either matter foreign to the suit, or even the opinion of the individual members of the board, respecting the subject of the cause depending, were matters of a nature which ought to be divulged, or which could be given in evidence, the board therefore determined, that the secretary should extract the proceedings of the council, relative to Mr Stuart's taking possession of the office of secretary, with the exceptions, and under the restrictions abovementioned and should attend the court therewith, and produce the same, if he were thereto required, with which resolution, the prothonotary of the court was desired to acquaint the court

Nor was this the only instance in which the judges have demanded as a matter of right, the inspection of the minutes of the board, or in which the individual members thereof have been declared responsible for their respective opinions delivered in council for your lordship will observe,

That a similar demand, and a declaration to that effect, were made on occasion of some intelligence conveyed to the judges, by we know not whom, that the board had found it necessary to represent to the court of directors, the great dangers arising from what the board judged to be an improper extension of the jurisdiction of the supreme court

That on occasion of a paper which the board had judged to be a libel on the judges, and as such, had ordered it to be burnt, the judges, not satisfied with this mark of the board's attention to the honour of the court, demanded a copy not only of the libel, but also of the minutes of the council, though, in neither of the last instances could they legally know that any minutes stood upon the consultations relative to the subjects in question, and the judges further required the board to enter on their minutes, certain papers which the judges called an answer to the libel

The consequence of such claims cannot escape your lordship If the power assumed by the judges, of inspecting the minutes of the council, of knowing and publishing the opinion of each individual member of the board be legal, how is it possible that the board can act as a council of state? If the doctrine laid down by the judges, that each member is answerable for his opinion in an action of damages to any man who shall think he suffers by any resolution of the board, by law, how is it possible that the board should debate with freedom, or act with vigour and firmness, when no one member can either debate or act with personal safety

The

[illegible] subject of the administration of justice, and next to omit nothing which the parties in the disputes, growing out of this cause, may think material for their [illegible]

The last head of complaint, upon which we shall venture to trouble your lordship, is respecting the criminal law of England being in force, and binding upon the natives of Bengal, though it is repugnant to those laws and customs by which they have formerly been governed.

And here your lordship will permit us to observe, that Maha Rajah Nundcomar, a native of high rank in Bengal, was indicted, tried, convicted, and executed, for an offence which was not capital by the laws of the country where the offence was committed.

This, my lord, we conceive to be a matter of most serious importance, and big with consequences the most alarming to the natives of India.

The general principle which the judges seem to have laid down in their proceedings against Nundcomar [illegible], that all the criminal law of England is in force, and binding upon all the inhabitants within the circle of their jurisdiction in Bengal. This principle, [illegible] perhaps have been adopted in the ancient courts of [illegible], established by the charters of their late Majesties, George the [illegible], would, as we conceive, prove so fatal if pursued through all its consequences, that it [illegible] expected, that the [illegible] would [illegible] in the [illegible].

For supposing it not to be in the power of the judges to mitigate or [illegible] the punishment [illegible] particular offence [illegible] lordship will [illegible], that the [illegible] thus tried, convicted [illegible] must have been a matter [illegible] especially given them in the charter, of respiting the execution of the sentence till his Majesty's pleasure could be known, and of proceeding to execution within so short a space of time after conviction, an authority which existed no where else [illegible] and which must be supposed to have been given for the purpose [illegible] his Majesty the power of mitigating, in instances of this nature, the severity of the law.

* The execution of Nundcomar appears to us the more extraordinary, when we consider that [illegible], the inhabitants of Calcutta were exceedingly alarmed [illegible] the circumstance of a native of Bengal having been capitally convicted upon an indictment for forgery, that the court of directors petitioned his Majesty in [illegible] of the convict, and that the royal clemency was forthwith extended on that occasion.

In the [illegible] lord, [illegible] made, it [illegible] by the president and council of Fort William, that the principal black inhabitants of the place had preferred a petition to them in favour of Radachurn Metre, then under sentence of death for forgery, soliciting them to defer the execution of the same, and recommending the delinquent to his Majesty for mercy; and the said president and council observe, that in order to give these people the fullest conviction of our lenity as well as justice, and in hopes that this condemnation would be a sufficient example to deter others from committing the like offence (which, as the president and council declare, is not held so infamous in the eyes of the petitioners) they had agreed to comply with the application.

their juſtification. The Committee have endeavoured to throw into the body of their report all that ſeems to them neceſſary for obtaining the firſt of theſe objects;

The petition in favour of the convict was ſtyled, "The humble petition of the native inhabitants of Calcutta, together with the merchants, banyans, and others, whoſe eſtates, intereſts, or habitations, are in any part of the kingdoms of Bengal, Bahar, or Oriſſa, within the juriſdiction of the Engliſh," and it contains the moſt ſtriking deſcription of the impreſſions made upon the natives in general, by the conviction of Radachurn Metre, for forgery.

It ſtates, "the general conſternation, aſtoniſhment, and even panic, with which the natives at all parts, under the denomination of the Engliſh, are ſeized by this example of Radachurn Metre, that they find themſelves ſubject to the pains and penalties of laws to which they are utter ſtrangers, and that they are liable, through ignorance, unwillingly to incur them. That as they are no ways intereſted in thoſe laws, they cannot tell when they tranſgreſs them, many things being, as they obſerve, capital by the Engliſh laws, which are only fineable by the laws of their forefathers, ſubject to which they have hitherto been bred, lived, and governed, and that, till very lately, under the Engliſh flag.

And a late governor of Bengal, who was upwards of twenty years reſident in the country, obſerves on this occaſion, that ſo extravagant did the ſentence againſt Radachurn Metre appear, and ſuch was the diſproportion in the eyes of the natives, between the crime and the puniſhment, that the principal inhabitants of Calcutta expreſſed their aſtoniſhment and alarm, in a petition to the governor and council, and upon a proper repreſentation, the convict received a pardon.

We beg your lordſhip to conſider, what will be the conſequences, if the judges proceed upon the principle of declaring all the other parts of the criminal law of England to be in force in Bengal? and they muſt ſo proceed, if they mean to be conſiſtent with themſelves. Can it be juſt, or prudent, to introduce all the different ſpecies of felony, created by that which is called the Black act? or to involve, as what is called the Coventry act involves, offences of different degrees in one common puniſhment? or to introduce the endleſs, and almoſt inexplicable diſtinctions, by which certain acts are or are not burglary? Can certain offenders be tranſported to his Majeſty's colonies in America, or ſent to work upon the River Thames? ſhall every man convicted for the firſt time of bigamy, which is allowed, protected, nay almoſt commanded by their law, be burnt in the hand if he can read, and hanged if he cannot read?

Theſe, my lord, are ſome only of the conſequences which we conceive muſt follow, if the criminal law of England be ſuffered to remain in force, and binding, upon the natives of Bengal.—If it were legal to try, to convict and execute Nundcomar for forgery, on the ſtatute of George the Second, it muſt, as we conceive, be equally legal to try, convict, and to puniſh the Subahdar of Bengal, and all his court, for bigamy, upon the ſtatute of James the Firſt.

In ſtating the dangers which we apprehend from the juriſdiction exerciſed by the ſupreme court of judicature, we ſhould hold ourſelves inexcuſable if we did not at the ſame time ſubmit to your lordſhip's conſideration ſuch reaſons as the judges have thought proper to addreſs to us in relation thereto. Your lordſhip will find them in the papers to which we refer in the margin.

We ſhall not preſume to make particular obſervations upon theſe papers; but we do not heſitate to declare it as our opinion, that if the ſupreme court be not

objects; and for the second, they have found themselves under the necessity of inserting very largely in the appendix, for the bulk of which it may be proper to offer [illegible] apology. The discussion of this cause, having [illegible] a difference between the Governor General and Council, and the Supreme Court, was carried on with great warmth, and throughout the proceedings themselves, and the various comments upon them, much censure was thrown reciprocally on every description of persons concerned, whether as parties, witnesses, judges, or members of the administration. It seemed therefore necessary, for an impartial view of the dispute, to give in the appendix not only the original documents in the cause, but also the different representations and reasonings of the various parties, so far as the papers before the

restrained from controlling the Dewanny court from exercising [illegible] interference [illegible] the revenues of Bengal, [illegible] less to be accompanied [illegible]

There [illegible] may be an absolute necessity [illegible] determining the [illegible] the authority of the supreme court and [illegible] that necessity we [illegible] servants in B[illegible] that the very being of [illegible] depend upon [illegible] ying the po[illegible] of each of its constituent branches [illegible] upon having the [illegible] of the jurisdiction of the supreme court [illegible] it known to the people what persons and matters are, and what persons and matters are not, within [illegible]

It [illegible], my lord, that [illegible] your lordship we [illegible] have to submit to his Majesty [illegible] the [illegible] above recited, in which jurisdiction has been exercised by the supreme court of judicature [illegible] and deemed incompatible with the powers given by Parliament to the governor general and council, which [illegible] to obstruct the administration of government [illegible] the minds of the natives, and [illegible] the [illegible] of the government of th[illegible] permanent [illegible]

We therefore, my lord, [illegible] earnestly [illegible] that his Majesty will be pleased to give such orders thereon [illegible] wisdom shall [illegible]

We are, with great Respect,

My Lord,

Your Lordship's

Most obedient, and most humble servants,

(Signed)

East India House, the 19th Nov. 1777.

Geo. Tatem	Geo. Wombwell
J[illegible] Ch[illegible]	W. Devaynes
John Smith	John Purling
John Michie	Frederick Pigou.
Samuel Peach	Robert Gregory.
Charles Boddam	Henry Savage.
Joseph Sparkes	John Roberts
R[illegible] Hall	J[illegible]
J[illegible] Moffat.	Henry Savage.
N[illegible] Smith	John [illegible]
[illegible] B. Pee.	Geo. Cuming.
Richard Becher.	

Committee

Committee enabled them so to do. The most material, as well as the most bulky of those papers, are the report of Mr. Bogle Commissioner of law suits [illegible] the Company, and the speech delivered by the Chief Justice on giving judgment in the cause. These two papers, which contain indeed a great deal of the same matter, do however also comprise the substance of all that is disputed on each side, [illegible] the Committee have been unwilling to attempt an abridgement of either of them, judging that they may be welcome to the House entire notwithstanding their great length, and the frequent repetitions [illegible] found in two papers, treating of and exhausting the same [illegible].

The action was brought by Nadarah Begum, a widow, against her husband's nephew, Behadar Beg, against the Cauzee of Patna, and two [illegible] of the Provincial Court of Justice there for injuries alledged to have been done to her, in consequence of the orders, and of a decree of the Chief [illegible] Council of Patna, acting as a Court of Justice.

The Committee will report more fully, in another place, what they have learnt upon [illegible] the nature of the office and duties of Cauzee and Mufti; [illegible] here, that they were formerly Judges in the [illegible], that they are men skilled in the Mahometan law, and are, [illegible] establishment in Bengal, officers or assessors of the [illegible].

The Committee will begin with a short account of the circumstances which [illegible] the proceedings in the Council at Patna, complained of by Nadarah Begum.

Shahaz Beg Cawn came from Cabool, his native country, to Bengal, to [illegible] and having entered into the service of the Company, rose to the command of a body of horse. In the course of his services, he obtained from the Great Mogul, a grant of free lands, called an Ultumghaw, [illegible] province of Bahar, and having acquired a competent fortune, retired [illegible] and settled at Patna. About this time, being advanced in [illegible], he married Nadarah Begum, by whom he had no children. His brother [illegible] came to Patna, and after residing some time with him, on [illegible] return to Cabool, either left or [illegible] Behadar Beg, one of his sons, to live with [illegible] Shahaz Beg Cawn. Behadar Beg remained accordingly in his family, from that time to the old man's death, which happened several years after, in November 1776. Shahaz Beg Cawn having died without issue, his widow, Nadarah Begum and his nephew, Behadar Beg, disputed his inheritance, each pretending to the whole; the widow, under a will and other deeds, alledged to have been executed by the deceased; and the nephew, as his adopted son and heir. These claims gave rise to the following proceedings.

Behadar Beg preferred a petition to the Chief and Council at Patna, on the second of January, 1777, setting forth his claim [illegible] that the widow was removing and secreting the effects, concluding with a prayer, that orders should be given to prevent the removal of the goods, and to recover [illegible] had already been carried away; and that the Cauzee should be directed to ascertain his right, and acquaint the Council therewith.

The Council thereupon gave directions to the Cauzee, and other law officers, to take an account of the estate and effects of the deceased, to collect them together, and to take charge of them jointly with the parties, 'till a

 division

division could be made to allot the shares of each claimant, strictly adhering to the Mussulman law of inheritance; and to give into the Council an account of their proceedings. This order was communicated to the Cauzee and two Muftees, by a precept or perwannah, in the Persian language.

It appears, that in obedience to this precept, the Cauzee and Muftees proceeded to the house of the deceased; and, after some resistance on the part of the widow, executed their orders, by taking an account of the effects, securing such part of them as remained on the premises, and investigating the rights of the parties; Cojah Zekeriah, another nephew of the deceased Shabaz Beg, who lived in the house, and was in the confidence of Nadarah Begum, acted, and was considered throughout, as her attorney. It must be observed, however, as this circumstance is relied on in a subsequent part of the proceedings, that when the Cauzee desired the Begum to appoint a Vakeel (or attorney) on her part, and pointed out Cojah Zekeriah as a proper person, she positively refused to appoint any, but sent her seal, and told them, they might if they pleased appoint him; Zekeriah likewise refused to accept of the office; but his appointment being sealed and delivered to the Cauzee, he acted from that time as Nadarah's attorney.

On the 20th of January, 1777, the Cauzee and Muftees delivered in their report; in which, after stating the grounds of the respective claims, and the evidence, at some length, as adduced on either side, they deliver their opinion, That, exclusive of the ultumghaw, which does not compose part of the inheritance, all the property of the deceased should be divided into four shares; whereof three should be given to Behadar Cawn, his father, being the legal heir of the deceased, and himself the adopted son; and the remaining one to Nadarah the widow. These proceedings of the Cauzee and and Muftees having become a principal ground of the subsequent judgment of the Supreme Court, the Committee beg leave to refer, in this place, to a translation of the report itself, in the Patna appendix, No. 2.

On the receipt of this, the Vakeels of both parties were ordered to attend; and after some verbal examination, as is stated by Mr. Law in a letter to the Governor General, the Council, by a perwannah directed to the Cauzee and Muftees, ordered their decree, for the division of the effects, to be carried into execution, and the ultumghaw, according to custom, to be delivered over to the charge of Behadar Cawn, who was to allow the widow one-fourth of the produce for her maintenance.

The Council further, on consideration of the circumstances reported respecting the removal of the effects, and the forgery of the deeds produced on the part of the widow, agreed, "That Cojah Zekeriah, Ghyrut Beg, Ennuyet Alla Beg, Cauzee Muzzoom, and Mahomed Evaz, be put in confinement till the effects which are said to have been secreted are produced; and that after this is done, and the division made, they be delivered over to the Phousdarry to take their trial for forgery, of which the will and the ekrar aum (two instruments) produced to invalidate the claim of Behadar Cawn, bear evident marks."

The widow resisting the execution of the foregoing decree of division, and the Cauzee and Muftees proceeding to enforce it, she withdrew herself, contrary to their desire and remonstrance, from the house, to a place called the Dargah of Shah Arzaum, in the neighbourhood of Patna; the habitation of a re-

a religious order of men, known by the name of Fiquiers; and carried with her the ultumghaw funnuds, or grants, and the female slaves. The Cauzee and Muftee valued the effects remaining, by appraisers appointed on each side, and divided them into four shares, of which one being chosen by Zekeriah was allotted to the widow, and set apart for her use in a room, together with the jewels and some other articles, that were not divided. She refused, however, to accept of this share, and the effects were never taken away by her. The remaining shares were taken possession of by Behadar Beg, in trust for his father.

It appears, that the Cauzee and Muftees not having been able to obtain from the widow the title deeds of the ultumghaw, and the female slaves, Behadar Beg presented a petition to the Council, stating, That she refused compliance with the decree, and had absconded, contrary to the Mussulman custom, which reflected disgrace on the family; and praying, that she might be delivered up to his care, as representative of the heir.

The Council thereupon agreed, that Behadar Beg's request be complied with, and that the widow be constrained to return to the house under his protection, and deliver up the funnuds and other papers of the estate.

On the 20th of March following, Behadar Beg presented another petition, complaining, that the Cauzee had not yet complied with the orders of the Board; whereupon the Council agreed, that an order be written to the Cauzee, positively directing him immediately to comply with the former orders, and reprimanding him for his delay.

The Cauzee, in vindication of himself, represented, by an arzee or memorial, that he had made frequent demands for that purpose, to which the widow had paid no attention, and that he had placed sircarrah to watch her. He likewise represented it as his opinion, "that according to the Mussulman law, it would be proper, under the present circumstances, to employ force, and that it has been customary to lay restraint upon, and confine, any refractory person, to procure the right of another, that he may not lose it."

Upon this memorial and representation, the Council, on the 3d of April, ordered a guard of sepoys to be placed over the widow; and that no person be suffered to have intercourse with her till the slave women should be given up. This guard was continued till the 5th of May following, when the widow, still refusing compliance, it was withdrawn.

The widow, who complained of injustice in the decree of the Council, alledged also a variety of insults and personal injuries, offered to her in the execution of the different orders of that Board, which being denied on the other part, and variously related in the depositions of the witnesses; the Committee beg leave to refer on this head to the papers in the Appendix.

These transactions at Patna, gave occasion to the following proceedings in the Supreme Court.

Nadirah Begum brought an action of trespass, *vi et armis*, against Behadar Beg, Cauzee Sadhec, Muftee Baractoolah, and Muftee Gullaum Mucdoom, the Cauzee and Muftees to whom the Provincial Council had referred the cause at Patna.

The action was for assault and battery, false imprisonment, breaking and entering her house, seizing her effects, and other personal injuries, as expressed in the declaration; for which she laid her damages at 600,000 sicca rupees, or about 66,000l.

Behadar

Behadar Beg pleaded, that he was not within the jurisdiction of the Court; and he added to this, a plea of Not Guilty.

The other three defendants pleaded generally, Not Guilty.

The pleas of Not Guilty, were accompanied, according to the rules of the Court, with notices of justification, in which Behadar Beg stated, that in the matters complained of, he acted only as a farmer; and the other defendants stated, that they acted as ministers of a court of justice.

Behadar Beg's plea to the jurisdiction first came on, and was over-ruled. He was held to be subject to the jurisdiction of the Court as "employed by the Company," in the character of farmer of the districts of Gyah and Amentee: for, although he appeared to be nominally only the security for Jusher Ally, the nominal farmer of these districts, yet one of the witnesses having expressed a suspicion, that Behadar Beg was in fact the real farmer, under the title of security, and it being said by another witness that he was generally reputed to be so, the Court was of opinion, that he ought to be considered as the principal farmer. The Court also took notice, that Mr. Young had said in his evidence, that the security for a farmer might employ the power of government in aid of the collection; and upon these grounds, adjudged him to be within their jurisdiction.

This adjudication being the first instance in which farmers of the revenue were held to be subject to the jurisdiction of the Court, appears to have given great alarm in the province of Bahar; the renters or farmers of which, presented a petition to the Council at Patna, desiring it might be forwarded to the Governor General and Council, representing, in very forcible terms, the apprehensions excited by the judgment alluded to, calling for the protection of government against it; and if that could not be afforded, desiring to relinquish their farms, that they might retire to some other country.

The notices of justification came next under consideration. The ground on which the defendants, the Cauzee and Muftees, relied, was, the Provincial Council at Patna had authority, derived from the Governor General and Council, to sit and act as a court of justice, and to hear and determine suits between Mussulman and Mussulman, subject to an appeal to the Governor General and Council at Fort William, and to enforce their decrees; that when the parties were Mahomedans, the suits used to be determined according to the Mahomedan law, and the same were used to be referred to the Cauzee and Muftees, who, when such reference was made, were used to examine the action or suit, and having heard the parties, their vakeels, or attornies, and the evidence on both sides, were used to deliver in a report upon the suit referred, agreeably to the Mahomedan law, whereupon the Council gave judgment.

With respect to the three defendants, the Cauzee and Muftees, the Court set aside their justification, as insufficient on the face of it, because it stated, that the Council at Patna, having only a delegated authority themselves, had delegated that authority to others, contrary to an established maxim of the law of England, *Delegatus non potest delegare*.

The justification of Behadar Beg, to the terms of which this objection did not apply, was set aside on the ground that it did not cover all the counts in the declaration.

The several defendants being thus precluded from offering any evidence in justification, were however allowed to adduce it in mitigation of damages.

In

In this form, the Court went minutely through the whole of the case; in the course of which, the merits of the original claims to the succession of Shabaz Beg Cawn, made before the Chief and Council at Patna, came to have a principal share in their consideration. The proceedings lasted many days, and have swelled to a very considerable size; and as the Committee does not think that a detail of these proceedings, which belong only to the particular merits of this case, is necessary for the information of the House, on any general point material for their consideration, they refer for satisfaction on that head, to the Patna Appendix, No. 17, 18, and will content themselves with stating here, what seems to them to be the general effect of the judgments. Your Committee think it proper, for this purpose, to take notice, that the defendants in this cause, are not accused of peculation, or any other species of corruption, in any of the matters objected to them; for, although this is alledged in the original affidavit of Nadirah Begum, which was the foundation of the suit, it was never attempted to be proved in any subsequent stage of the cause; but the charges against them are confined to their having acted without sufficient legal authority, to irregularity in their proceedings; to their having pronounced an erroneous judgment, and having been guilty of unnecessary violence in the execution of their orders.

Your Committee think it proper to lay before the House, in this place, the evidence given on the trial before the Supreme Court, respecting the reference of suits between Mussulman and Mussulman, to the Cauzee and Muftee.

William Young, witness for the defendants, being duly sworn, deposed,

I am a Member of the Provincial Council at Patna—They sit as a court of civil justice—They try causes between Mussulman and Mussulman. In the province of Bahar, the Provincial Council of Patna sit as this court of justice; and try causes of property, and causes of inheritance, between Mussulman and Mussulman. In the month of January, 1777, they did so. I was at that time a member of the Council there. I know the defendant, Benadi Beg. In passing a decision, they issue process on complaint being made—We issued process, called [illegible] an order—having heard and tried a cause, we proceed to give judgment upon it—There are Mussulmen officers, a Cauzee and Muftee, attendant on the court, for the determination of all points which depend and relate to the Mahomedan law—Such points are referred to them—In some cases, enquiries as to matters of fact, are referred to them—The [illegible] purchase, in some instances.—It is the custom among Mussulmen, that when lands or houses are to be sold, the next neighbour is to have the preference, and the Cauzee and Muftee are to enquire who is the next neighbour, and this is called the Hac Shaffee. If the next neighbour has had the preference of the purchase, and the prior right to purchase, it is the duty of the Cauzee and Muftees to enquire, whether he is really the next neighbour, and to make their report to the court, and, [illegible] valid in the court, and the person who had purchased the house [illegible], is to return the money to the first purchaser, and [illegible] to the person claiming, and proceed to [illegible] inheritance, it has been the usual practice of that province [illegible] matter of fact and law to the Cauzee and Muftee. It [illegible] because the investigation and report of the Cauzee and Muftee—I found that to be the usual

usual practice on taking my seat at the board. Our judicial proceedings have been regularly transmitted to the governor general and council, where such causes have been referred in the above manner, and determined finally by us; which proceedings having never been objected to by the governor and council, have been deemed by me and the other members as valid, and considered now as a part of the constitution of our courts, but the report of the cauzees and muftees are not always the rule of our final determination, if any objections are urged by the opposite party, which are thought by us to deserve consideration. It is the constant and invariable rule of our court, either for the parties themselves, or the muttulluck vakeels (their agents with full powers) to be present on our hearing and determining on the report of the cauzees and muftees. The parties, or their muttulluck vakeels, have certainly a right to object to the matters of fact and law, as stated by the cauzee and muftees, and sometimes do object. I do not recollect an instance where the report of the cauzee and muftees was objected to, but I have no doubt it has frequently happened. I think we have the right, and I would do it. I recollect one instance where, upon an objection being made to the report of the cauzee and muftees, in a cause between Mussulman and Mussulman, the court proceeded to make further enquiry into it themselves. I believe, if I had time to recollect myself, I should be able to mention more instances.

A complaint was made in writing to the Provincial Council by the defendant, Beh[illegible] d[illegible] Beg. We receive no complaint but in writing. The original, as I said in a former deposition, was, as I believe, transmitted to the Commissioner of law-suits here.

In cases where judgment is given, it becomes necessary to sequester the effects; they are usually taken account of in the presence of the Cauzee, or some of his officers. It is also the duty of a Cauzee, on the in[illegible] of a suit in the Provincial Court, particularly in suits respecting [illegible], to proceed to the spot where the property is, if it is personal property, and capable of being removed, to take an inventory of it, b[illegible] it is so customary, that the parties themselves, or persons on their behalf, properly authorized, be present when such inventory is taken. I have assisted in passing orders for that purpose, and the Cauzee cannot proceed until he has received authority from the Court. Upon the inventory's being taken, the effects are sealed up, or the place where the effects are, by the Cauzee, and thus they remain till judgment is passed, and it is determined to whom they belong. On judgment being passed an order [illegible] issued to the Cauzee, to [illegible] of them conformably to the terms of the judgment. It is his duty to observe this order, and which, if he neglected, complaints would arise, and due notice taken of it; he would be called upon to account for his conduct, and if it appeared reprehensible, he would be suspended from his office, and a complaint would be made to the Governor General and Council, and it would be requested of them to desire the Sudder Cauzee of the three provinces, to appoint another; because all the Cauzees in the different parts of the country, are Naibs of the Sudder Cauzee of the three provinces. I do not know the name of the present Sudder (or Chief) Cauzee of the three provinces. I certainly do consider the Cauzee and Muftees, ministerial officers, in some part of their duty. The defendants, Cauzee Sadhee, Muftee Gullaum Mucdoom, and Muftee

Baractoolah,

Baraftoolah, were at this time Cauzee and Muftees of the Court, but there were other Muftees also of the Court, one named Ali Ibrahim, who is more generally known by the name of Muftee Geeum, and the other named Muftee Kurrum Ullah. The Dewannee Adaulut, is superintended by one of the members in monthly rotation. Its decisions admit of an appeal to the Provincial Council, in their judicial capacity, as a superior Court: both of them are regulated by the same modes and practice. The Council are not only a Court of Appeal, but also a Court in the first instance, I mean a Court of original jurisdiction; and any member of the Council can introduce a cause before the Council, by receiving the petition of the party, and laying it before them. It is also expressly ordered by the Governor General and Council. Those orders are in our book of regulations. The cases instituted before the Provincial Council, admit of appeals to the Governor General and Council. There are no courts established by the Governor General and Council, for hearing appeals from our decisions, but the Sudder Dewannee Adaulut.

Edward Golding, witness for the defendants, being duly sworn, deposed: —I have been a member of the Provincial Council at Patna from November 1774 to October 1778, not before the establishment of the Governor General and Council. My appointment is in writing; I have it not with me; it is among my papers. In many cases of causes of inheritance and causes of property, tried by the Council at Patna, it is in many cases usual, no doubt, to refer to the Cauzee and Muftees the causes before them; but it is not in general in all cases, it is not universally the practice.

Your Committee think it not improper to lay before the House also, in this place, the following extracts from Mr. Bogle's report, which seem to throw light on the subject:

"That to give the Mussulmans of this country the full advantage of being tried by their laws, it is necessary that the fact, as well as the law, be referred to their own doctors, inasmuch as it requires a knowledge of the law to try the fact, and to discover the points that are material to the cause, and upon which the law turns: that one would naturally be of opinion, that the Cauzee and Muftees are better qualified to examine a Mussulman cause than Englishmen; and that their examination would be more grateful to their countrymen; and that there appears no just grounds for a contrary opinion: that the number of Englishmen acquainted with the language of this country is very small, and even of these, few are so far masters of it, as to be able to write it and read it without difficulty; and if no fact was to be examined but by them, or in their presence, and no cause determined till all the papers, accounts, and evidence had been translated, the administration of justice would be almost entirely stopped."

"The law maxim of Delegatus non potest delegare, presented an objection which was unanimously deemed fatal; and the acts of the Cauzee and Muftees being done by virtue of an authority delegated to them by the Council at Patna, were consequently adjudged to be illegal."

"But however unjustifiable their conduct may appear, when tried by the strict principles of law, humanity will plead in their behalf, that they were totally unacquainted with this, and every other maxim of the English law: that they were ignorant of the constitution of the Chief and Council of

... and of the ... with which it invested them; but conceiving it as their duty to execute the orders of the Hakim or reigning power, knowing that the English possessed the sovereign power in this country, that the Council at Patna had the supreme authority in the kingdom of Behar, they thought themselves bound to obey their orders, and examine the cause of Nadarah Begum in the same manner as they would have obeyed the order of the Governor General and Council, or Supreme Court, without questioning their authority, or examining how far conquest and superior force conferred the right of exercising it; that they had often, as on this occasion, examined causes, and enquired into complaints, in consequence of similar perwannahs of the Council or Provincial Court of Adaulut, without the most distant idea, that what they looked upon as a point of duty, would be imputed to them as a crime, and expose them to perpetual imprisonment."

Your Committee think it proper to refer to a letter from the Governor General and Council to Mr. Ewan law, dated 12th January, 1778, in which the Governor General expresses his opinion, that the Patna Council were not singular in referring the examination of the witnesses and the trial of the facts in the cause, to the Cauzees and Muftees.

Your Committee also examined several gentlemen competent to give them information on this point, which they will lay before the House in this place.

Mr. Golding informed your Committee, That he resided fifteen years in Bengal; that he resided twelve years at Patna and its subordinates, and for the last four years of that time was a member of the Provincial Council there. Being asked, What was the course of the Provincial Council at Patna, where a cause of importance is brought before them? he answered, That it was usual to summon the parties or their agents to appear. And being asked, What reason appeared on the face of the proceedings in the cause of Behadar Beg against Nadarah Begum, why the parties or their attornies were not summoned to appear when the suit was commenced? He said, That he believed the case in question was considered more as a matter of law than matter of fact, and was therefore referred to the expounders of the Mahomedan law. That he did not recollect whether this reason was so expressed on record, but that he conceived it to be the motive that weighed with the Council, for referring it to the opinion of the Cauzee and Muftees. He informed your Committee, that this method of referring a petition has been practised in other instances similar to the present, that is, in cases of inheritance which require the opinion of the Mahomedan lawyers. That the Council do certainly not undertake to decide any point of Mahomedan law without such a reference; and he believes, that they are generally guided by the report of the Mahomedan lawyers; but if their opinion should be wrong, an appeal lies to the Governor General and Council, when the opinion of other Mahomedan lawyers would be taken. That the institution of Cauzees and Muftees, for trial of causes, was previous to the establishment of the Provincial Courts, and he believes from the time of the Mahomedan conquest. That he believes there is a supreme Cauzee, who resides at Muxadabad, or Calcutta, and who delegates authority to those who act in the provinces. That he does not know whether the supreme Cauzee has his appointment directly from the Governor General and Council, or from the Naib Subah at their recommendation. That he exercises his authority in the name of the King Shah Allum, whose name is engraved on the seal of office, with the date

date of the appointment. And being asked, what would have been the consequence, if the Cauzee had refused to obey the order of reference made by the Provincial Council? he said, that it must, in his opinion, have been considered as a neglect of duty, and as such have been reported to the Governor General and Council. And being asked, whether it had ever been notified to the Cauzee and Muftees, that accepting such a reference, and reporting thereon, would be considered by the Supreme Court of Judicature as illegal, and subjecting them to punishment? he said, that he was not there at the time, but as it never entered into the imagination of any man, that it would be so considered, of course he conceived it could not be notified to them. He further informed your Committee, that it is usual to employ the Cauzee's authority in taking inventories of goods, and securing them under his seal, during the litigation of property, and that he is employed in enforcing process and judgment.

Mr. Law was then examined, and informed your Committee, that he had resided fifteen years in Bengal, and thirteen at Patna. That he went there as interpreter and Persian translator in 1767; that in 1772 he was appointed a member of the Provincial Council of Revenue, and was appointed Chief in 1777; that when the cause of Behadar Beg against Nadarah Begum was before the Council, Mr. Droz was acting Chief, and he was second himself. That a suit had been brought in the Supreme Court against him and the other members of the Patna Council, by Nadarah Begum, which, on their representation, had been defended by order of the Governor General and Council; and as nothing was endeavoured to be proved at the trial, but those public acts which appear on the Patna consultations, the decree of 15,000 rupees had been ordered to be satisfied by the Governor General and Council on the part of the Company; and the cause, he understands, is now appealed. That the decree of the Supreme Court passed since he left Bengal; and that he understands, by letters from his agents, that the expences of the appeal are defrayed by the Company, and that it is upon those terms only that he has authorized them to go on with the suit. That if the damages are finally determined in favour of the Begum, the loss will fall on the Company; and he refers to a letter of the other two members of the Patna Council to the Governor General and Council, demanding to be indemnified in the sum decreed against them, and their answer and proceedings thereupon.

He then informed your Committee, that suits between native and native were generally brought before the Council at Patna, by arzee or petition. That the parties complained of, or their agents, were then summoned, and in some cases the matter is in general referred to the Cauzee and Muftees, who enquire into and report upon them. That the reference he believes is sometimes made previous to the summoning the parties; and that in the case of Behadar Beg against Nadarah Begum, it was conceived there might be more claimants than these two. The Mahomedan law officers were directed to receive all claims, to examine them, and to state the proportions to which, according to the degree of affinity, they might be entitled; and as this enquiry might be affected by the production of deeds, those of course came under their consideration. They were directed also to secure the property to prevent the embezzlement, until a decree and a division could take place. That deeds or instruments, affecting property in that country, differ materially both in form and effect from those in England; and that he certainly would not have ventured to determine any cause which might have been affected by

such

deeds, without taking the advice of the Mahomedan law officers. That he does not think himself as competent a judge of any internal evidence, which may lead to the invalidating such deeds, or shewing them to be falsified or forged, as the lawyers of that country, who were trained in the drawing and legal constructions of those instruments. That the regulations of 1772, established by the Governor General and Council, expresly direct the Provincial Courts of Dewannee Adaulut, to make reference to the Cauzee and Muftees, on points of law occurring in suits between Mahomedans. That he always understood it was the practice under the Mahomedan government. That in points of Mahomedan law, he considered it as his indispensible duty to consult the officers and men learned in that law. And being asked, whether the Mahomedan magistrates and doctors do not consider themselves as indispensably obliged to obey the order of reference? he answered, that they did, because they could have no idea of any power over them, besides that of the Provincial Council of the district in which they lived, and that subordinate to the Governor General and Council; he means in respect of legal orders and references. And being asked, whether it had ever been notified to them, that such delegation of authority was in itself unlawful, and then acting under it in such a manner as to affect the property or person of any one, was an offence, and punishable? he answered, No; I am clear that the law officers at Patna received no such information through the Provincial Council, nor do I think they could have learned it through any other channel. It was neither conceived by the Council nor the Mahomedan law officers at Patna, that the latter were in any sense subject to the jurisdiction of the Supreme Court, before they found themselves arrested by a warrant from that Court. He also said, that it is usual for the Council to authorize the Cauzee to execute the process of the Dewannee Adaulut, by securing the estate until the title is determined, and to enforce the judgment; and that he understands this to be part of the duty of the Cauzee. He also informed the Committee, that he knows of no qualification necessary for the office of Cauzee, but his appointment. That the chief Cauzee of the three provinces lives at Muxadabad, and, he believes, holds his appointment from the Nabob. The Cauzee for the province of Bahar acted by a sunnud from the Chief Cauzee at Muxadabad, which he has seen, and he knows of no other authority by which he acted. That there is a Cauzee established in every different pergunnah of the Bahar province, who holds his office by sunnud from the Sudder or Head Cauzee at Patna. That those Muftees are entitled to the name of Muftees, who possess sunnuds from the Sudder Adaulut, or Chancery of the empire, or from the deputies of the person holding the Sudder Adaulut, one of whom resides in every province. That there are several Muftees in Patna besides those retained by the Company, who procure a livelihood by drawing deeds, or other practice.

Your Committee find also information on these subjects in the 7th report of the Committee of Secrecy, presented to the House on the 6th day of May, 1773, to which they refer.

Your Committee having laid before the House some information on what they have deemed the principal and leading consideration in this cause, come now to the judgment, which they find was given on the 3d of February, 1779, for the plaintiff against all the defendants, with 300,000 rupees damages, and 9208 rupees 10 annas, costs, making together Sicca rupees 309,208. 10 annas, or about thirty-four thousand pounds, and that execution was sued out accordingly.

Your Committee have referred to this place, an account of the process issued in this cause, both that the relation of other matters might not be interrupted, and that the effect of the suit, with all its consequences, on the defendants, might be the better understood by being stated together. And your Committee find, that the first process was a capias, with a bailable clause, against all the defendants; and that a bailiff from Calcutta arrested Behadar Beg and the Cauzee, as he was returning from the Dewannee Cutchery, one of the provincial courts of justice at Patna, on Saturday the 13th of December, 1777; and that the bail required was 400,000 rupees, or about forty-four thousand pounds.

Your Committee find, that on Monday the 15th of December, two days after the arrest, the Chief and Council at Patna agreed to offer bail for Mahomed Sadhee, Sudder or Chief Cauzee of the province of Bahar. The reasons assigned by the Board for offering bail for the Cauzee and Muftees, appears from the following extract from their letter to the Governor General and Council, on the subject.

"The seizure of the Cauzee in this disgraceful manner, coming from the execution of his office, has struck a general terror into the inhabitants of this city. We thought it therefore expedient, for the honour of the government, and preservation of its authority, to offer the bail required for the enlargement of one of its first officers; and we were greatly disappointed when we found it could not be effected without further orders from the court."

"Much more might be said, to shew what little respect can be expected to be paid in future to the decrees of the Dewannee Courts, the total inconsistency of this double government, and the cruelty and hardships which individuals are exposed to by it, did we not know that these circumstances are too apparent to need further arguments from us, and that the inconveniences attending such an incongruous system, must appear in their proper light to you. So far we have taken the liberty to act, and we flatter ourselves our conduct will meet with our approbation."

"The business of the Phouzdarry must be totally, and of the Dewannee Courts, in a great measure, suspended, till measures are taken for the releasement of the Cauzee, nor can we expect the other officers of these courts to carry any orders of consequence into execution, till they are assured of safety and protection in the discharge of their duty.'

Your Committee find, that on this offer being made by the Council, the bailiff acquainted them, "That all the persons whose names are recited in the warrant, are included in the bail, and that no separate bail can be taken for any one in particular; and further, that though he has brought with him a bail bond, yet he cannot, agreeable to his instructions, accept of any bail without first mentioning it, and receiving further orders from Calcutta."

The Bailiff also informed the Council, "That his orders in this case were particularly strict, and that the parties could not, as was usual for persons arrested, be allowed to remain in their own houses till the time came for conveying them away, but must remain in boats on the river, till he has further directions in what manner to dispose of them."

Your Committee find, That in consequence of this arrest, several petitions were immediately presented to the Council at Patna, as appears from the following extract from their proceedings of the 15th of December, 1777.

"Received the following arzee from Gullaum Mucdoom, Kurrum Ullah, Berkut Ullah, and Syed Mahomed Jewan, Muftees."

"You

"You have, no doubt, heard of the warrant for Behader Khan, and that the bailiffs also have carried the Cauzee on board a boat, and conveyed him away. Now, as there is a report prevails, that a warrant is come up for the Mustees also, we being the servants of the Government, and relying upon your support alone, and ignorant of any motive or reason for such a measure, request your orders how to act."

"Agreed that a perwannah be wrote to the Mustees, that, should they be seized upon by this warrant, they may rely upon receiving due support from the Governor General and Council."

"Received an arzee from Abdu Rusheed Khan, Deroga of the Phousdarry Cutcherry."

"Yesterday, being the 12th of Zykaud, one Mr. Savorey, an European, arrived at Patna with a warrant, and arrested the Cauzee as he was returning home from court, after the dewannee adaulet was broke up, and obliged him to descend from his conveyance and attend him, and took him from the spot on which he was arrested to a boat, upon which he is to be conveyed to Calcutta."

"As the Cauzee and other law officers, upon whom warrants are issued, do not belong to the Company, nor are servants to the Company, but are of the Phousdarry Adaulet, which is under the Nizamut, and this court must be at a stop without them, and there never was an instance of the law officers being so used before, I think it requisite to inform you of this proceeding. Nuzzer Bauky Beg, the Sudder Fougedar, and Abdul Rusheed Khan, the Deroga attending the Board, represent the disgrace that falls on their office from the imprisonment of the Cauzee."

"They are informed, That it is not in our power to give them any redress, but that we shall lay the circumstances at large before the Honourable the Governor General and Council."

Your Committee find, That on the 29th of December, sixteen days after the arrest, during which time Behadar Beg and the Cauzee had been confined in boats on the river, the Bailiff having received his instructions from Calcutta, bail was given to the Sheriff by the Chief and Council at Patna, in behalf of the Company, for all the defendants; and the two prisoners were set at liberty.

Your Committee find, That the Governor General and Council, on being informed of these transactions at Patna, resolved first to undertake the defence of the suit on the part of the Company, and also to put in bail above for all the defendants.

The general motive which induced the Board to offer bail for the Cauzee and Mustees, may appear from the following extract from their proceedings of the 13th of January, 1778.

"Resolved, That as the defendants are prosecuted for a regular and legal act of government, in the execution of a judicial decree (except one of them, Behadar Beg, the plaintiff in the suit before the Dewannee Adaulut at Patna, whose arrest is not for any apparent cause) they be supported and indemnified by Government from all consequences from which they can be legally indemnified."

It appears, that whatever hardship was thought to attend the case of Behadar Beg, whose arrest the Governor General and Council, adopting the expression of the Board at Patna, state to have been "for no apparent cause," yet being only a suitor in the Provincial Court, he was not considered as having the same claim to the immediate protection of Government as the

officer

officers of the Adaulut, whom they state "to have been prosecuted for a regular and legal act of Government, in the execution of a judicial decree." But the reason for including Behadar Beg in the bail, seems to have arisen from the nature of the process, and the orders of the Supreme Court thereon, as well as from the previous proceedings of the Patna Council, which left them no other alternative than that of delivering either all or none of the defendants from their imprisonment.

It appears, that Behadar Beg, soon after he was bailed at Patna, was sent to Calcutta, to surrender in discharge of his bail; but that bail to the action having been afterwards given for him by the Governor General and Council, he remained in Calcutta at large till the month of July, when the cause being expected to come on soon after, it was thought adviseable to send him under a guard of sepoys to Patna, to remain there under the custody of the Chief and Council, but with every indulgence consistent with security, to await the judgment of the Court.

On judgment being given, your Committee find, that the defendants were sent down from Patna to Calcutta, under a guard of sepoys, to be surrendered. And your Committee are concerned to inform the House, that Cauzee Mahomed Sadhee expired on the journey, and that the survivors, Behadar Beg and the two Muftees, were committed to the common gaol at Calcutta, where they had remained many months, and still continued at the date of the late dispatches from that presidency, without any prospect or hope of relief but from Parliament.

Your committee enquired concerning the circumstances and characters of the defendants; and with regard to their circumstances find, that the evidence given at the trial on that point, was as follows:

Cojah Zekeriah says, the defendant Cauzee Sadhee, is a great man, and deputy to Shurrut Ullah Cawn, and is a rich man. The defendants, Muftees Baractoolah and Gullaum Mucdoom, are in prosperous circumstances.

Kurrumoolah says, the Cauzee Sadhee has 100 rupees a month. There are five Muftees, who have in all 120 rupees a month.

There was no evidence as to the substance of Behadar Beg; and it is to be observed, that the share of Shabaz Beg's estate which he received, was only in trust for his father, who actually took possession of it.

And your Committee examined several gentlemen to this point, who informed them, that the defendants were in poor circumstances, and that a commitment till they should pay the damages adjudged by the Court, would amount to an imprisonment for life. And your Committee also find, that the Cauzee was above sixty years of age, that he had been Chief Cauzee of the province of Bahar a great many years, and long before the establishment of provincial councils; that he was much respected, and that the Muftees bore the characters of learned and upright men.

Your committee find, that soon after the commitment of the defendants, petitions were presented to the governor general and council, stating their situation, and praying for relief. And that the governor general and council did accordingly afford such relief to them, and their families, as their situations admitted of. And your committee observe, that in the course of these communications, hopes of final and more substantial relief were held out to the defendants, from the interposition of parliament, which was represented to them as their only resource.

And your committee find, That Nadarah Begum brought another action,

on

an account of the same transactions, against Mr. Law and two other members of the provincial council at Patna; that the governor general and council finding the suit was brought against these gentlemen for acts done in their public characters, thought proper to take its defence on themselves, on behalf of the company. And your committee find, that the plaintiff recovered also in this action 15,000 rupees damages; which the governor general and council, from the same consideration, ordered to be satisfied on the part of the company. And your committee find, that an appeal was brought against this judgment to the King in council, which they are informed is now depending. And your committee have not found any full or satisfactory account of the proceedings in the Phousdarry court, ordered by the Patna council, against Cojah Zekeriah, Ghyrut Beg, Ennuyet Alla Beg, Cauzee Mazzoom, and Mahomed Ewaz, for the forgery of the two instruments relied on by Nadarah Begum. Your committee find, that they were confined seven months in consequence of these proceedings, but are not enabled, by any evidence before them, to state the final issue of the prosecution, or whether any judgment was ever passed upon it. And your committee find, that some time after judgment had been given against Behadar Beg and the Cauzee and Muftees, Mr. Young and Mr. Law, two members of the Patna council, preferred an indictment in the supreme court against Nadarah Begum, Cojah Zekeriah, and other persons, whom they supposed to be her agents, for the forgery of the two deeds before-mentioned. That this indictment was quashed by the court for informality, and that the prosecution was then dropped.

Your committee think proper to subjoin, in this place, such part of the evidence delivered to them by the different witnesses whom they have examined, as relates more particularly to the Patna cause.

Mr. Golding informed the committee, that he knew Shabaz Beg Cawn and Behadar Beg personally; that the nephew lived in the house with his uncle, usually accompanied him in his visits to the English gentlemen, and was considered by them and the people, as the person whom he intended to make his heir; that no quarrel between the uncle and the nephew ever came to his knowledge, and did not recollect to have heard of any; that he never heard of any quarrel between Shabaz Beg and Allum Beg, at Cabool, during the life of the former; but that since his death such a report was spread, which he conceived to come from the partizans of the widow.

That he believes it is not usual for Mussulmans to take away the portion allotted by law to the next male heir, but on the contrary, believes that Mussulmans in general give a preference to the male relations. He never heard that Shabaz Beg had such a particular attachment to his wife, as to supersede that general preference, but that he married at a very advanced age, and he does not know what influence his wife may have had over him.

He never heard, in the life time of Shabaz Beg, that any application had been made to the Mahomedan lawyers, to draw up any conveyance of his estate in his wife's favour. He conceived him to have been in a state of idiotism for some time before his death. It was near a year before his death that he saw him, and he then appeared to have lost his faculties.

That when any fair conveyance is going to be made, that tends to alter the legal succession to property, it is always usual to employ Mahomedan lawyers to draw the deeds, and the attestation of the Cauzee is indispensably necessary

to

to its validity. That this circumstance renders the transaction in some degree public; that the Cauzee keeps a register of such transactions; that he never heard any report of such a conveyance being drawn or authenticated, before the death of Shabaz Beg; and that in his situation, as it would have been a remarkable transaction, he should probably have heard of it, if it had happened. He did not recollect ever to have heard of any other instance of a Mussulman leaving his fortune by any deed of gift, executed during his life-time, from his male heirs to his wife. Being asked, under what authority, and in what character, the chief and council at Patna act, in exercising authority in civil suits between natives? he said, they act under the authority of the governor general and council. They sit as a court of appeal, in relation to the Dewannee Adaulut at Patna, which is superintended in rotation by a member of the provincial council. He understood likewise, that the chief had the power of removing any cause from the Dewannee Adaulut, and laying it before the provincial council at large, or even of bringing a cause before that board in the first instance. That he thinks this exercise of jurisdiction, both original and appellant, has been the invariable course since the establishment of the provincial council, and the regulations formed by Mr. Hastings for the conduct of the courts of Adaulut. That when a petition is presented to the chief and council, he believes, as he said before, that he can either bring it immediately before the provincial council in their judicial capacity, or prefer it to the presiding member of the court of Adaulut. That in causes of great moment, and particularly such as respect the revenue, he usually brings it immediately before the provincial council.

He also informed your committee, that the Mahomedan lawyers are in general held in respect by the people, and are men of good characters. That their salaries are not large, and he cannot say how far they are open to temptation. That they do not depend entirely on their salaries; that they have certain fees for setting their seals to instruments and deeds, and have other practice. That he does not recollect any complaints of their corruption.

He also said, that he was acquainted with Meer Sadhee, late Cauzee of Bahar. That he was Cauzee when he first went to Patna, but he does not know how long he had been so before. That he bore the character of a very honest and very humane man, and he thinks was much esteemed by the inhabitants. That he never heard of any complaints of corruption being carried up to his superiors against him; that he was not thought a person ignorant in his profession; and that his long continuance in his office was a proof of the contrary. That he is pretty certain the Cauzee did not derive his authority originally from the governor general and council, or any English authority in the provinces of Bengal, Bahar, and Orissa. That he had no concern in the collection of the revenues, and was in no other civil office under government; and held no employment but that of Cauzee, which he held in both courts, civil and criminal. That he was not servant or agent of any European, and he believes would have thought himself disgraced by it, whilst acting in the capacity of Cauzee. He thinks he was near sixty years of age; that he left a wife, but does not know whether he had any children. He said, that he had no opportunity of knowing Meer Berkut Ullah, and Gullaum Mucdoom, except in their official characters; that he knew nothing ill of them; the Cauzee was the person to whose opinion he paid most attention.

[illegible] said, that Cojah Zekeriah was considered as the widow's agent. He never knew women appear in person. The agent acting under those circumstances is considered as the party herself, insomuch that they suffer imprisonment for their principal. He knew nothing of Cojah Zekeriah, until he appeared the ostensible manager of Nadarah Begum; and he therefore can say nothing of his character.

He knew of no connection of intimacy or interest between the Cauzee Sadhee and Behadar Beg, which might create any suspicion of partiality; and he believes there was no such connection between them. On his return to Patna, he heard no imputation of bribery against the Cauzee and Muftees in this cause. He believes the inhabitants consider Behadar Beg as the right heir of Shabaz Beg. He did not hear of any cruelty committed in executing the orders of the Patna council on Nadarah Begum; but he heard that she resisted the decree; that she withdrew herself to a mosque adjoining to Patna, which is a mausoleum, and a religious house. He informed your committee, that this is a large building, appropriated to the burial of people of distinction; and also contains separate buildings, where the faquiers or priests reside. That it is in a very pleasant situation, admits of the best accommodation, and has one of the most pleasant gardens adjacent to Patna.

Being asked, what were the circumstances of the cauzee and muftees? he said, that he should imagine they were no better than would enable them to live decently; and that if they were in prison till they should pay 36,000l. damages, it would be an imprisonment for life. He said, that Shabaz Beg was not an omrah of the empire, nor considered as a man of high distinction. Being asked of what standing in the company's service those gentlemen were, who usually presided in the Dewannee Adaulut? he said, seldom under ten years, often much more. That there were some few of them who did not understand the country languages, but that the major part of them certainly did. That the records of the Dewannee Adaulut were kept in the Persian and English languages. That there are many gentlemen in the Company's service who understand the Persian language. That in the province of Bahar, the depositions of the witnesses are generally given in Moorish, and taken down in Persian and English; and that, as far as came within his observation, a majority of the English gentlemen who presided in these courts, were sufficiently acquainted with the Moor language, to understand the depositions made before them. That there was always an interpreter attending the superintending member. That the members of the provincial councils had no salary for superintending the Dewannee court, but that he considered it as part of the duty annexed to their station, for which he received a salary from 500 to 700 rupees a month, according to his seniority in council. That they were not allowed the benefit of trade, since the last act of parliament; that the allowance was barely equal to the expences of the station. Being asked, whether Behadar Beg was considered as a farmer or renter of land? he said, that Shabaz Beg, in his life-time, had a farm adjoining to his own [illegible]ghaw, in the name of another person, for whose regular payment of [illegible] he was security. That after his death he believes it was continued on the same footing to his nephew, who was also security for the payment of the rents on the part of the person whose name stood in the pottah or lease; but was himself under no engagement as a farmer, that he knew of.

And being aſked, if he knew what effect the adjudication, which made farmers of the revenue and their ſecurities amenable to the juriſdiction of the ſupreme court, had upon zemindars and moned men in the province of Bahar? he ſaid, that the court had not declared that juriſdiction whilſt he was in India.

Mr. Law was then examined; and being aſked, whether there were not ſome circumſtances of unuſual rigor, in executing the orders of the council againſt Nadarah Begum? he ſaid, None, in thoſe acts done by the Cauzee and Muftees; the ſtory of her being driven from place to place, and at laſt forced to take refuge in the Durgah, is what he never heard of, till he ſaw it in the affidavit drawn out at Calcutta. That ſhe went to the Durgah, is notorious, as well as that there were a variety of houſes in Patna to which ſhe might have retired, had ſhe been ſo diſpoſed. She was certainly afterwards treated with rigor by the council, in conſequence of her contumacy; and the methods taken to enforce the decree of the council, were ſuch as were pointed out by the advice of the Mahomedan lawyers, expreſsly taken on the occaſion. Being aſked, what acts of contumacy he alluded to, and what was the rigorous proceſs recommended by the Mahomedan lawyers? he ſaid, that he ſpoke entirely from recollection; that ſhe refuſed to deliver up the ſunnuds or patents of the ultumghaw, the ſeal of her deceaſed huſband, and to produce the female ſlaves, who were neceſſary witneſſes on a charge of embezzlement or removal of the effects. That the opinion of the Mahomedan lawyers was tranſlated, and ſtands on the Patna proceedings. He believes guards were recommended to be placed around her habitation, to prevent all communication with her, till ſhe complied with the decree. That he conceived this order extended to prevent the conveyance of any food to her; it was meant to reduce her to the abſolute neceſſity of obedience. Being aſked, whether he heard, before ſhe retired to the Durgah, that ſhe had been locked out of all the apartments of her huſband's houſe, obliged to go into a privy, and driven from thence, half naked, into a bazar, or market? he ſaid, Theſe are circumſtances that he never heard of, or knew, till he ſaw them drawn out in Engliſh at Calcutta, where he believes them to have been fabricated, in order to heighten her ſuppoſed diſtreſs. In regard to her being ſhut out of her apartments, he conceived it ſcarce poſſible, from the plan of Mahomedan houſes. The women's as well as the men's apartments uſually conſiſt of a delaun or hall, open to a court, with two ſmall coutra, or dark rooms, for keeping goods, and it is in theſe cloſets, and not in the open hall, where goods are depoſited; therefore the ſhutting up of theſe cloſets would have been a very little inconvenience, whilſt the hall, which could not be ſhut up, was free to her. He does not remember any formal complaints lodged before him, of any acts of illegal violence offered to this lady.

He ſays, the Durgah, to which the widow retired, is a very extenſive incloſure, divided into a number of courts with walks, trees, and fountains, where people ſometimes reſort for pleaſure; that it is inhabited by a religious order of men, called Faquiers; the head of the eſtabliſhment has a large houſe. There are apartments for Faquiers, and alſo for travellers; and there is a large eſtate allotted for its ſupport, which is, he underſtands, between 20 and 30,000 rupees, or between 2 and 3,000l. a year.

He said, that he was acquainted with Cauzee Sadhee—That he found him in that office in the year 1767, when he first went to Patna, and understood he had been there some time—That he was universally respected, and during his residence, he never heard any impeachment of his character. That no complaints against him, for corruption or insufficiency, had been laid before the Patna council; and he never heard of any being laid before the head Cauzee, the Naib Soubah, or the governor general and council, and he thinks it was not the dread of his power which prevented such complaints, but that the probity of his conduct gave no room for them—He was a mild, moderate man, and never interfered beyond the strict line of his office, nor attempted to acquire power or influence—He was a man very much beloved—He believes he had no connection with Behadar Beg, and questions, whether he ever spoke with him before the institution of this suit—That he never heard of any quarrel between him and Nadarah Begum, and does not suppose there ever was one.

That the Muftees Baractoolah and Gullaum Mucdoom, were the Muftees retained by the Company, and he had occasion frequently to see them acting in their judicial capacity—That he never heard any ill of them—That he never heard any surmise of Nadarah Begum's preferring any complaint against the Cauzee and Muftees, on account of corruption in her cause, until she charged them with it in the affidavit on which the suit commenced, and hopes were then expressed of their ability to prove it, but it was not attempted on the trial—He does not know, whether the judges called for such proof. Being asked, Whether he attributed the depopulation of Bahar to the ignorance and venality of the native magistrates, and men of the law? he said, by no means; he supposes the persons who fill the law offices at present, are as learned and upright as they were twenty years ago, when the province exceeded probably its present population by one third.

And being asked, Whether he observed in the provinces, a general desire of the natives to be put under the dominion of the English law, and the jurisdiction of the Supreme Court? He said, that he believed there was nothing which they dreaded more, because they did not understand the principles upon which the English courts acted, and as far as they had any knowledge of the English law, they found it totally repugnant to their manners, religion, and customs. Being asked, Whether they did not know, if they were made subject to the English law, there was an extensive authority lodged in the hands of four gentlemen of great learning, to relieve them from oppressions of the English and native magistrates? He answered, That he does not believe they had any such knowledge, or if they had, that they wished to make use of it—He believes they were better contented with their country courts, with all their imperfections, than with the prospect of any thing beneficial that they might find by referring to the English Court. And being asked, Whether the beneficial effects of this court might not be artfully kept from their knowledge? He said, he thinks it was totally impossible. And being asked, If they did not know that there were English lawyers, men of ability, and able attornies, who might assist them in taking the benefit of the English laws, and put them on a better footing than when they pleaded their own causes in their own courts? He said, he believed they liked better to plead their own causes in their own courts, near their own homes, at no expence, by themselves or their agents, in a manner they comprehended, than

than to trust their causes to persons they did not know, to be carried through a court, the rules of which they were totally ignorant of, in a foreign language, at a vast distance, and where, whether they gained or lost their suits, they were sure of an heavy expence—He does not mean to infer, that they thought lightly of the English law, or its professors; but the whole was not adapted to their society, and was beyond their comprehension. He also said, that he imagined the right of appeal to the King in Council could not be generally known; and that delay and distance would prevent them from taking much benefit from it. Being asked, What were the expences of the suit between Behadar Beg and Nadarah Begum at Patna? He said, that he does not know of any expences besides what might be paid to the Peons, that might be placed as a guard over the effects; the court being supported by the Company, parties are freed from other charges.

He believes the first notice the Cauzee and Muftees had of the proceedings against them, was the arrest of the Cauzee and Behadar Beg: they were put on board boats to be carried to Calcutta; they requested to be allowed to go to their houses, and to have time for arranging their affairs; the provincial council offered bail, but the bailiff would not take it till he had written to Calcutta for instructions, which took up 16 days; during which time the prisoners remained on the river, with very indifferent accommodation—That the arrest of the Cauzee occasioned a general alarm on the minds of the people; which came to his knowledge by the apprehension expressed by all the officers of government, and a number of other independent people residing at Patna—That the number of inhabitants at Patna does not exceed 50,000.

He believes it was not usual, according to the course of proceedings in that country, to arrest the native magistrates without previous notice of a complaint against them—That the Cauzee and Muftees had no specific notice of the distinct matters on which they were to justify themselves, nor could they form any idea of the nature of the offence laid to their charge, nor of what would be useful or proper for their justification—That if the council had not interposed to bail them, it would have been totally out of their power to get bail to that amount at Patna; and they must have been carried to the public prison at Calcutta.

That afterwards, in order to their being delivered up by their bail, they were sent for by the council, and acquainted with the decree of the Supreme Court, and told, that they must be conducted to Calcutta, to be delivered up to the court; and they were accordingly, within two or three days after they were acquainted with the order, put under a military guard, and conveyed in boats to Calcutta; and some time after, the officers from the sheriff came to Patna, and seized their houses and effects, which were publicly put up to sale—That besides the property belonging to the persons who were immediately parties, complaints were made to him (Mr. Law) of villages and houses belonging to their friends and relations being also seized, and amongst them villages for which rent was due to the Company—That such accidents are liable to happen, as the sheriff is left to grope his way in the dark. The effect of this seizure, and putting up to sale, of the property of the Cauzee and Muftees, upon the minds of the inhabitants of Patna, was, to throw them into utter astonishment; as they knew not wherein the criminality of these magistrates consisted, several of their relations absconded and secreted themselves, lest they should also be considered as delinquents.

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In consequence of this transaction, the performance of the duties of the office of Cauzee was, for a time, suspended, till the brother of the late Cauzee was appointed in his station, and other Muftees were appointed in the room of those who were gone. It was with some difficulty that the Cauzee's brother would accept, being apprehensive, that by being placed in the same office as his brother, he might be liable to the same kind of treatment by process from the Supreme Court.

Being asked, what became of Cauzee Sadhee after he was delivered up by his bail? He said, he was in an ill state of health when he left Patna, and that he died in his passage to Calcutta—He never heard his death attributed to his being taken down to Calcutta to gaol; but as he was an infirm old man, about sixty years of age, and had been ill for some time before, how far his removal from his family, and travelling upon the water, might have an effect in hastening his death, he could not pretend to say.

Being asked, whether he had ever heard of any quarrel between Shabaz Beg and Allum Beg his brother, or Behadar Beg his nephew, which might induce Shabaz Beg to disinherit his male heirs in favour of his wife? He said, he remembered seeing Allum Beg some years ago at the house of his brother, Shabaz Beg, to whom he was come on a visit from Cabool; and that he never heard of their having the least misunderstanding—That Behadar Beg came at an early age to live with his uncle, and not liking the confinement of his family, went to Benares, or perhaps further, in order to return to Cabool; but was invited back by his uncle, with whom he afterwards lived upon the best terms, till his uncle's death, which happened some years after the event abovementioned—That he (Mr. Law) had frequent occasion, during the illness of Shabaz Beg, to receive application from Behadar Beg, as the representative of his uncle—That it is not usual among Mussulmans to take away the portion allotted by law, from the next male heir, in favour of their wives—That the Mahomedan law disapproves of any distribution of property different from that established by their custom; and that he does not recollect any instance, during his long residence in that country—That he knew Shabaz Beg from his first arrival at Patna; he had been in the military service of the East-India Company, and he believed in no other: the highest station he had served in, was that of Rossoldar, or commander of a troop of horse; he knew not in what inferior stations he might have served; the troop he commanded was broke soon after the conclusion of the war with Cossim Ali Cawn; and when he ceased to have any command, he had some allowance regularly issued to him, from one of the brigade paymasters, as half-pay, which was latterly paid him from Calcutta; he saw his last receipt, but does not recollect the amount; he believes it did not amount to 200 rupees a month.

Being examined as to the nature of the Dewannee Adaulut, and asked, of how many years standing in the service gentlemen usually are who preside in them? He informed the committee, that few acquire a seat in the provincial councils in less than ten years, some more; and they preside by rotation in the Dewannee Adauluts—That they in general understand the country language, and there is always an interpreter who is a proficient in the Persian language, to explain any papers or matters which the president may not be sufficient master of the language to understand—Of late years the provincial chief has not presided in the Dewannee Adaulut—The first appeal lies from the Dewan-

Dewannee Adaulut to the provincial chief and council at large; he has known many appeals brought before them, and several instances of judgments of the inferior courts being reversed. Being asked, whether he had ever heard of any person presiding in a Dewannee Adaulut, having farmed out the profits of the station for a certain sum? He said, he never had; nor did he think such a thing possible, for where there is an immediate appeal to the council, it would answer no end—That if such a proceeding were to be made the subject of complaint to the governor general and council, a severe scrutiny would be made into it, and the offender, if found guilty, would be dismissed the service with disgrace.

Being asked, whether he had known instances of complaint to the governor and council against the Company's servants employed in any civil capacity? He said, he knew several had been made, and that in such cases two gentlemen had been appointed to examine the complaint, and lay their proceedings before the governor general and council; and that if the complaint was just, they have dismissed the offender.

Being asked, whether it was the custom for the native officers of justice to receive presents from litigants? He said, the practice had always been reprobated in the Dewannee courts; and though it had, and might still, in some degree, prevail, he believed the instances were very rare—He conceived, that even before the establishment of the English courts, presents made previous to the decision of the suit, were considered as corrupt, and meant to influence the judgment of the magistrate, however authorised by custom.

Being asked, if the natives considered it as a great hardship to be obliged to plead to the jurisdiction of the Supreme Court? He answered, they certainly must: because, as the matter now stands, they are liable to be conveyed away by an abrupt seizure, from their family and friends, to leave their affairs quite unsettled, to be carried to the distance of 500 miles, and there, if they cannot find bail, which, from distance and other circumstances, must frequently happen, they are thrown into the common gaol; and all this proceeds upon the simple affidavit of any person whatever; whether he is a man of credit, or not, forms no part of the question; it is sufficient if it be declared on oath, that the person prosecuted is within the jurisdiction of the court; after some months confinement, should it appear to the court that he was not within its jurisdiction, he is discharged from gaol without any compensation; though if he was a renter under government, it is probable that his farm would be gone to ruin, or put into other hands from a deficiency of payment; it is well known, that the ryots in such cases would take advantage of the absence of the renter, to evade payment; so that, in fact, a man is severely punished before it is known whether he is amenable to the court or not.

The act of seizing a man of rank, very much degrades him in the opinion of men of all classes; and is, he apprehends, a circumstance which, under the Mahomedan government, would never happen, but upon proof of great delinquency.

It is not uncommon in the country courts to give security in the nature of bail; sometimes the security is personal, and sometimes to answer for the amount of the damages decreed, or which may be decreed.

Being asked, whether some gentlemen, against whom an action was brought by Nadarah Begum, did not prefer bills of indictment against her and Zekeriah, and other persons, witnesses to the Persian deeds produced in the cause?

He

[illegible], an indictment was preferred by Mr. Young and himself against her, and those whom they considered as her agents in the forgery. And being asked, whether he thought himself justified in prosecuting natives of India, who were not in the service of Europeans, in the Supreme Court? he said, certainly, in the present case; for the question with him was, whether three innocent men should suffer perpetual imprisonment in the gaol at Calcutta? or whether those persons who had retreated from their own laws, and had chosen the English laws, should, as well as the benefit, be liable to the severity of it? Upon that ground, he thought himself fully justified in undertaking the prosecution; besides which, he conceived himself in a manner called upon by the chief justice; and begs leave to refer to an extract of his minute in the civil cause, delivered in to the governor general and council.

He said, the bill of indictment was found by the grand jury, but afterwards quashed by the court before trial; and that a petition was presented by Nadurah Begum, for a copy of the indictment, in order to commence an action for a malicious prosecution; which was neither granted nor refused by the court, though he particularly requested a decision, as he was then about quitting India.

In the course of this examination before your committee, Richard Barwell, Esq. a Member of this House, who was of the council general of Bengal during the time of the proceedings in the Patna cause, was asked, whether he remembered any thing of the Patna case? He said, he certainly did, it was a matter of too much magnitude to have escaped his memory, but the particulars of it he had not examined, or read within this twelvemonth. Being asked, if the ultimate decision of the Patna cause, with all its effects and consequences, was pleasing and popular with the body of the natives, as an act of substantial and exemplary justice? Said, he did not believe it was pleasing; he had heard many of the natives speak with strong disapprobation of the decision.

Mr. Barwell being asked, whether the Cauzees, Mufties, Moulavies, and Pundits, are remarkable for their corruption and ignorance in the laws they profess? Said, the principles of the Mahomedan doctors he had heard questioned, but he never heard them charged as remarkable for corruption or ignorance—the Hindoo law expounders, or pundits, are a very extraordinary set of men; they profess to hold little or no property, and depend upon the community in which they live; and said, he believed these people beyond the reach of bribery, and that they are resorted to upon all occasions when the questions of property are complicated. Being asked, if it was not thought that the native expounders of the law, whether Mahomedans or Hindoos, were frequently influenced by English gentlemen, to give false expositions of the law? Said, that he had heard this asserted, but in no instance in appeals that ever came before the court, did he ever detect the native expounders of the law, whether Mahomedans or Hindoos, giving a false exposition of the law—That many appeals came before the governor general and council. Being asked, whether the members of the provincial councils presiding in the courts of Adaulut, were suspected of venality, or any other corruption in their judgments? Said, that the institution of the courts of Adaulut was calculated to preclude any improper influence in the European judges; the state of Society in England, and the principles that direct mankind, he believes have the same weight over the minds of men abroad—

abroad—he does not recollect any instances of corruption in the judges of the courts of Adaulut. Being asked, if he had ever heard any instance of a member of a provincial council selling the emoluments arising from the Adaulut over which he presides in rotation? Said, that he did not know of any, nor does he know of any advantages of office to be disposed of. Being asked, if, from his knowledge of the country, he could say, whether the natives have confidence in the provincial Adauluts? Said, he was of opinion they have; he did not believe they wished to substitute the supreme court in the place of the provincial Adaulut. Being asked, whether he thought they would wish that their appeals should lie from the provincial Adaulut to the governor general and council, or to the supreme court? Said, he believed they would prefer it to be to the governor general and council; a simple institution, and a direct and instantaneous administration of justice, determines this preference, for it must be indifferent to the natives what set of men administer justice. Being asked, whether they might not consider the supreme court as more impartial, because less connected with the government of the country, or with the servants of the company? Said, he believed they thought the supreme court very impartial; the real objection to the court arose, he believes, from the difficulties the natives are subject to in the prosecution of their claims in a different language, and in the mazes of the law—they are all accustomed to plead their own causes in their own courts.

Major Rennel being examined as to the general estimation in which the administration of justice in the country courts was held by the natives; and being asked, whether the Cauzees and Muftees, and Indian professors of law, are in evil repute in that country? He said, he does not recollect hearing any thing for or against their characters—That he has often been in their company, was told the nature of their office, and has seen them treated with respect. Being asked, whether that respect appeared to him to be the effect of fear or of opinion? He said, of opinion—That the people of Bengal treat all the learned and religious with veneration; a veneration not easily conceived by those who have not been in that country; which would hardly be paid to them if they were considered as generally corrupt.—Being asked, if the natives were dissatisfied with the course of justice, as administered according to their own laws and usages? He said, by no means; and by what he has learnt from them, the administration of justice in their country courts is just the same now as it was under the Mahomedan government—That he believes they do not desire a better; nor does he suppose they ever did, because they are so exceedingly attached to their own manners and customs, that they have scarce an idea of a better mode. Being asked, whether they are not considered as entirely under the influence of English gentlemen, who preside in the provincial courts? He said, they are in common with all the rest of the inhabitants of the province; but that the people do not complain of not obtaining justice on account of the influence of the provincial council over the Cauzees and Muftees.

Your committee having proceeded to examine into the circumstances of an action brought by Gora Chund Dutt, versus William Hosea, and others, so far as the papers before them enabled them to do so; and perceiving that this case resembled, in some measure, the case of Nadarah Begum against Behadar Beg, and others, which the committee have just reported, but that the judg-

[illegible] of the supreme court [illegible] in both cases. They will [illegible] generally in this place, that the action was brought by the plaintiff against [illegible] Hosea, who was member of the provincial council at Muxadabad, and [illegible] Dularoy, Dewan of that division, on account of acts done in the execu[illegible] of a decree of the Dewannee Adaulut, in which he presided; that the [illegible] was defended by the governor general and council, and that a plea of [illegible] guilty, with a notice of justification, as in the Patna case, was given in by the defendant. And your committee think it proper to transcribe in this [illegible], some words, stated in the report of the company's attorney, to have [illegible] from the chief justice in that cause, that the House may be the better enabled to understand how far the circumstances and the judgment in the two causes correspond with or varied from each other.

[illegible] from the report of Mr. North Naylor, attorney to the company in the cause, Gora Chund Dutt against Mr. Hosea and others.

"The chief justice said, "That in case of suits instituted before the provincial councils, except in cases of manifest corruption, the court will not [illegible] into the regularity of the proceedings," and he afterwards said, "I do not think it the province of this court to enquire into the irregularity of the court's proceedings."

And your committee, in pursuit of the objects referred to their inquiry, proceeded to investigate the circumstances of a dispute which happened in the province of Dacca, in the month of September, 1777, which they propose to state fully, as it will furnish an illustration of the effects produced by the residence of an attorney of the supreme court in a distant province, and the interruption given to the administration of criminal justice in the country courts by his proceedings.

It appears to your committee, that the city of Dacca is a rich and populous town, and the capital of the above-mentioned province, which forms one of the grand provincial divisions of Bengal, yielding to the East India company an annual revenue of about 350,000l. sterling, and one of the most flourishing parts of the country for its trade and valuable manufactures. And it appears, that for the civil administration of this, as of all the other grand provincial divisions, and for the collection of the revenue thereof, there [illegible] and is a provincial chief and council, acting under the orders of the governor general and council, exclusive of a commercial chief, whose duty was confined to the mercantile concerns of the company, and who was placed under the orders of the board of trade at Calcutta. That there was a court for deciding on matters of property, stiled the Dewannee Adaulut, in which all the members of the council sat as judges by rotation, attended by the provincial dewan (except the chief, who never sat in that court) with an appeal in all cases to the provincial chief and council, and in suits exceeding one thousand rupees, or about 120l. to the governor general and council.

That all revenue causes, and all claims to the inheritance of lands paying to the government an annual revenue of more than one thousand rupees, [illegible] particular cases, suits upon private property, were heard in the first instance, by the provincial council at large, with the assistance of various officers of the revenue department, and by persons learned in the Mahomedan or Hindoo laws, as the claimants might be of the one or the other religion. And all matters of criminal jurisdiction were under the sole cogni-

 zance

stance of a court, called the Phousdarry, or criminal court, consisting of a provincial phousdar or criminal judge, a darogha, or superintendant, and various officers learned in the Mahomedan laws. That this criminal court does not derive its authority directly from the governor general and council, nor are its officers directly nominated by them; the court itself is a remnant of the ancient country government, and its forms, rules, and modes of proceedings continue nearly the same as they had been during the prevalence of the Mogul empire. The persons who act in that court, are appointed by the Naib Subah, or Nabob's deputy, and report their proceedings to that superior magistrate, to be confirmed or revised as to him shall seem proper, without the known interference of any other power, and without any remarkable matter or cause of complaint for abuse, or failure of justice.

And on this footing, criminal justice continued to be administered until the middle of the year 1777, when Mr. Samuel Peat arrived at Dacca.

Your committee find, that the said Mr. Peat acted as an attorney at law of the supreme court of judicature, he was also a master extraordinary in that court, to the purpose of taking affidavits, upon which writs of capias were issued, and afterwards executed by him and his servants, in quality of deputy sheriff. For the particular circumstances of Mr. Peat's arrival at Dacca, and the first complaints of inconvenience arising from his proceedings, your committee refer to the correspondence of the governor general and council with the provincial council of Dacca, and with Mr. Justice Hyde.

Your committee have thought it necessary to prefix the foregoing sketch of the provincial government of Dacca, which is similar to that of the other provincial divisions of Bengal, as it may enable the House more perfectly to understand the circumstances of this dispute, and various other matters of fact which will be submitted to their consideration in this report.

And your committee find, that in the month of September, 1777, the said dispute arose at Dacca between the officers of the supreme court of judicature and the provincial criminal court, called the Phousdarry, in consequence of a process of arrest issued by one of the judges of the supreme court, at the suit of a person called Kevin Pyke (meaning a servant or messenger) against Jiggernaut, the dewan or principal public officer of the provincial criminal judge or phousdar of Dacca, for trespass and false imprisonment, in which bail of ten thousand rupees, or about one thousand pounds sterling, were required.

And your committee find, that the person of the said Jiggernaut not having been secured by a native called Doondy, acting as bailiff upon that duty, and his party, Mr. Peat, the deputy sheriff residing in that city, went in person to the house of Syed Ally Cawn, the provincial phousdar, or criminal magistrate, which he forcibly entered by breaking down the gate of the house, accompanied by a large number of attendants, that a fray arose in the court of the said house, in the course of which Mokurrim Ally Cawn, the father of the phousdar, was wounded on the head with a long sword by one of Mr. Peat's attendants, and Meer Hossain Ally, the brother-in-law of the phousdar, was very dangerously wounded in the body by Mr. Peat himself with a pistol shot.

And your committee find, that the first intimation of this disturbance was conveyed to the provincial chief by a Persian letter from the provincial phousdar

phousdar, September the 20th, 1777, mentioning, that Doondy, with his people, had attempted to seize and carry away Jaggernaut, his dewan or peshkar (meaning a principal servant of his court); that he had informed Doondy, that the officers of his department were not amenable to the jurisdiction of the supreme court of judicature; that seeing Doondy call together almost fifty people, he ordered the gate to be fastened; that Doondy's people were attempting to force the gate, and throwing bricks into the house, and had plundered the palanquin house; and if (which God forbid) they should force the gate, the honour of his women would be affected, which he held more valuable than life. The letter concluded, with requiring a reason for those oppressions, and a demand for justice.

And your committee find, that before any answer could be sent to the phousdar's letter, the provincial chief received a letter from Mr. Peat, acquainting him, that resistance had been made to a process served under his directions as deputy sheriff upon the above-mentioned Jaggernaut; that he was attacked by a man with a sword and target, and in his defence shot the man; and desiring sepoys might be sent to guard him, or take him into custody, and to secure the person who had been arrested.

A letter was written of similar import to Lieutenant Cowe, commanding officer of the militia, acquainting him, moreover, that a neglect to send him (Mr. Peat) the assistance he required, would render Lieutenant Cowe a party in the resistance.

And your committee find, that the measures taken on that occasion by the chief, were, to send a surgeon to examine the wound received by Meer Hossein; to station a military guard over Mr. Peat's house, as well to secure him from molestation, as to prevent his escape in case the man should die; and to detach a reinforcement of militia to the phousdar, to keep the peace of the city.

Advice of these transactions was immediately sent to the governor general and council by the provincial council; who say, that "If Mr. Peat should produce or send any of his Majesty's writs to them, formally requiring their assistance, they certainly shall consider themselves as bound to comply."

And your committee find, that two days afterwards, being the 22d of September, the phousdar attended in person at the meeting of the provincial council; to whom he delivered a long representation, in his own name, on the subject of this disturbance; stating the circumstances and progress thereof, and supporting the same by testimonials under the signature of various persons who were present at the time. In all which it is affirmed, that he was sitting in his dewancounah (or hall of audience) with several of his friends, and the public officers of his court, when Doondy, on the part of Mr. Peat, attempted to seize his dewan or chief servant, in a contemptuous and disrespectful manner; and that no writ or warrant was produced by him, or by Mr. Peat himself, either before or after he had forcibly entered the house. And the said representation of the phousdar concludes in the following manner: "You, gentlemen, are the rulers of the country: on an enquiry, order justice. Excepting over the servants of the company, and the English, a warrant has no authority. What crime have I committed, that my house should be entered and plundered; also that my father, brother, and other men, inhabitants of the city, who had come on a visit, should be wounded and disgraced? I pray for justice."

And

And your committee perceive, in the consultations of the provincial council at Dacca, that on the same day Jaggernaut surrendered himself to them, setting forth, "That he had never seen any warrant pretended to be served upon him; that he meant no disrespect to the court, nor any way to elude justice; that he was a servant of the phousdarry court, and ready to answer in the courts of the country to any charge that could be laid against him; that he did not understand the rules of the English court, nor was under its jurisdiction; that if security was required for him, he would give it; and that the behaviour of Mr. Peat's jemautdar (Doondy) towards him, arose from private pique and resentment," &c. At the same time referring to a written representation he then delivered in.

And your committee find, that this disturbance caused a cessation of criminal justice in the province of Dacca, as the phousdar declared, "he did intend to have sat in public court on the 21st; but that every thing now was thrown into a state of confusion, and he could not think of going to preside in a court of justice, when he was not safe, even in his own house, from the officers of the English court."

And your committee find, that the provincial council at this period wrote to Mr. Peat, acquainting him of Jaggernaut's surrender; his denial of having seen the writ, or knowing the subject thereof; and his declaration, that he was not amenable to the court's jurisdiction. The provincial council hereupon informed Mr. Peat, that it is their duty, from the stations they hold, to take every possible measure for maintaining the peace of the city and province; that Jaggernaut is a principal servant in the provincial phousdarry court; that the phousdar has, at all times, had a considerable military force at his command; and that both the phousdarry officers and that force are entirely independent of the authority of the provincial council. And they conclude, for these and other reasons there assigned, with expressing their wish and request, that no further process might be made, or measures taken, until he and they could receive the orders of their respective superiors, holding themselves answerable, during the interim, to produce the person of Jaggernaut, whenever it should be required.

In answer, Mr. Peat acquainted the provincial council, he had not the least doubt that the legal arrest of Jaggernaut, his contemptuous tearing of the writ, and his subsequent rescue, would all be fully and satisfactorily proved at a proper time and place, that Jaggernaut had been thought an object of the jurisdiction of the supreme court by the judge who ordered the writ to issue, and he could accept no other security than the bond of the defendant, and two other responsible persons; that it was the duty of the sheriff to execute the process of the court, whether such process be right or not, and if the defendant is not in the jurisdiction of the court, he should plead it, and not resist the execution of the process, or endeavour to escape. And the letter concludes with hoping, that as the military force under the phousdar are the force of the Company, the gentlemen of the board will think proper to acquaint the phousdar, that such military force should not be employed in resisting legal authority.

And your committee find, that after these and other letters had passed betwixt the provincial council and Mr. Peat (particulars of all which are entered at length in the papers annexed to this report, No. 8) the provincial

council

council, from motives assigned in their consultations, resolved, "as the most effectual mode of preserving tranquillity," to depute two members of their own board to attend Mr. Peat in person, with Jaggernaut. The result of which interview was, that Jaggernaut, after offering to make affidavit that he had never seen the writ in question (which affidavit Mr. Peat refused to receive) was given into the custody of Mr. Peat, and released by him upon executing a bail bond, jointly with the two members of the provincial council, for the sum of ten thousand rupees; but at the same time protesting against, and denying, that he was an object of the jurisdiction of the supreme court. The grounds of which declaration were more precisely set forth in a written protest, afterwards served upon Mr. Peat by Jaggernaut, dated the ensuing day.

And your committee observe, that in this transaction Mr. Peat acted in the two several capacities before mentioned, as an attorney in the supreme court, and sheriff's deputy; and that the bailiff who went to serve the process of the court upon Jaggernaut, was Mr. Peat's servant.

It likewise appears, that some petitions of natives, which do not immediately belong to this head of enquiry, were written by persons held under confinement in Mr. Peat's house.

And the business being brought to this point, your committee find, that the provincial council communicated the whole of their proceedings, by letter, to the governor general and council, dated September 22, 1777; in which they represent the motives of the conduct they have observed; the irregularity and bad tendency of Mr. Peat's proceedings; the hardship and difficult situation of the phousdarry officers, who had been instructed by their immediate superior, the Naib Subah, that they were not liable to the jurisdiction of the supreme court; the real subject of the suit against Jaggernaut, for acts done by him in his official capacity, as far as they were then able to discover it. And they conclude with the following paragraph: "It is fitting we should point out to your notice, that all criminal justice is at a stand, and seems not likely to be resumed until the decisive consequence of the present disputes shall be publicly declared and known. It touches to the very existence of government throughout the province, that the jurisdiction of the phousdar, and his superior, the Naib Subah, be admitted free from all doubt or ambiguity. How, otherwise, can it be supposed a phousdar will perform any function of his office? How presume to execute a criminal convicted and sentenced to death by the established laws of the government and his religion, if he is liable himself to stand to actions of damages, as in the present suit against the dewan, or to answer to a criminal accusation, for any punishment he may inflict, before the supreme court of judicature, whose judges are bound by their oaths to judge according to the laws of England? The penal system of Mahomedan jurisprudence admits of punishments not known to the laws of our own country, or known to them only as the description of offences which may be capitally punished. Paint to yourselves, gentlemen, the anarchy and distraction which may arise, if the present uncertainties are not effectually removed."

And it appears, that before the provincial council had received any orders from the presidency, Jaggernaut left Dacca, and proceeded to Calcutta, that he might be at hand to receive orders from his immediate superior, the Naib Subah,

Subah, or to answer any questions the governor general and council might have to ask him.

And your committee find, that whilst these measures were pursuing at Dacca, a letter was written to Lieutenant Cowe (who, in the application of the military force he commanded, had acted under the directions of the provincial chief) from Mr. Justice Hyde, one of the judges of the supreme court; which has been verified to your committee by Mr. Cowe, now in England, and which your committee judge it expedient to insert in this place, verbatim.

" Sir,

" By what I have heard, I presume you will receive orders by the post to-night, to give assistance to Mr. Peat in arresting again Jaggernaut, who has been rescued; and in so doing, it is lawful to break open doors, and he is not now to be bailed, but must be sent to Calcutta.

" Mr. Peat informs me, you doubted whether the command in his Majesty's charter, to give assistance in the execution of the powers of the court, applied to cases of civil suits. It certainly does, when such assistancce is necessary; but besides, the nature of the case is now altered, for the rescue is a crime in which Jaggernaut partakes. If the man who is shot dies, I have no doubt you will give sufficient protection to Mr. Peat, who, in that case, must come to Calcutta for his acquittal. If he does not die, and any body should advise or order you to bring him (I mean Mr. Peat) hither against his will, and without some warrant from one of the judges, I (only because I should be very sorry that any gentleman who meant only to do his duty should suffer any inconvenience from it) caution you to beware; for the imprisoning an officer of the court is a contempt, for which the punishment is imprisonment, as well as fine. If any person desires you to imprison Mr. Peat, I should advise, that you ask a bond of indemnity in a large sum, because it is probable he would recover a very large sum in an action.

" I beg the favour of you, for fear my letters to him should not be suffered to come safe, to tell Mr. Peat, that I highly approve his conduct, and doubt not he will receive proper support from the court, whose officer he is.

" I doubt not you will give him full protection from the people of Phousdarry, because, as a British subject, I doubt not you will pay due attention to your allegiance to the King, as well as to your duty to the company.

Fort William, " I am, your's, &c.

Tuesday, Sept. 23, 1777. JOHN HYDE."

Upon perusal of this letter, it appears, that the provincial council wrote in more urgent terms to Calcutta, for the most explicit directions of the governor general and council.

And that about this time, application being made to the provincial phousdar, to issue his process against persons who were represented to have murdered, not only their master (the proprietor of a tract of land in the pergunnah of Turrafi, about one hundred miles from Dacca) but likewise his mother, and two principal servants, the said phousdar declined to issue any process whatsoever, or to discharge the functions of his office; assigning his reasons for thus suspending the course of justice, in a letter to the provincial chief. Translation of which is entered in the Dacca appendix.

And with regard to the particular grounds of the suit against Jaggernaut in the supreme court of judicature, for which bail was demanded of about

... thousand pounds, it appears, that Jaggernaut himself, at the time the dispute first arose, offered to swear, that he was ignorant what was the subject of the complaint. Mr. Peat informed the provincial council, only, that it was "not for debt, but for an enormous personal wrong" The abstract taken from Mr. Peat's note-book, states it to be "for trespass and false imprisonment;" and the provincial council, in their letter of September 22, 1777, above referred to in No. 8, say, "that according to the lights they had been able to obtain, Khyrû, the complainant in the supreme court, had been arrested by the phousdarry court for some misdemeanor, and upon regular conviction and decree of that court, was confined, and obliged to make restitution:" that after that, Khyrû had been sent prisoner to the Naib Subah, "to answer to some complaint exhibited at his tribunal;" and that Jaggernaut had some time before given this information to Mr. Peat, in answer to a letter he had written, as attorney at law, demanding Khyrû's release.

Your committee now proceed to state what appears to have been the measures taken in this business by the governor general and council. On the 23d of September, 1777, the governor general having received information from the sheriff, Mr. Wodsworth, "That Jaggernaut Dewan had, with an armed force, been rescued from the officers at Dacca, and that his deputy, Mr. Peat, had been threatened with an armed force to attack him in his house, and that he therefore, by virtue of his Majesty's charter, desired the assistance and protection of the company's military forces," a consultation was held upon that letter, and the first advices received from Dacca, the company's standing counsel was consulted (the advocate general not being then arrived) and a letter was dispatched to the provincial council, very much approving the steps they had taken, and directing them to offer the sheriff's officer every assistance he might require to execute the warrant upon Jaggernaut, to continue the guard upon Mr Peat's house, to send him down under a guard, in case the wounded man should die, together with all other persons concerned in the fray; and to take the depositions in writing of all such as could give any information upon the subject.

And it appears, that on the receipt of the Dacca letter before mentioned, Appendix, No. 8 the governor general and council further wrote to the provincial council, that they much commended the prudence and discretion which they had shewn in all their proceedings, respecting the late unfortunate disturbances created by Mr. Peat, approved of their having become bail for Jaggernaut; and directed them to recommend to the officers of the phousdarry court, in case any writs or warrants should be issued against them future, to submit to them without resistance, and give intimation thereof to the presidency, that the company's counsel might plead to the jurisdiction. And a letter of like import was written at the same time to the Naib Subah, that his orders might be sent to the officers of the phousdarry, who were under his authority.

It appears also, That the governor general and council took the opinions of the company's counsel, upon the several papers transmitted from Dacca, with regard to the legality of Mr Peat's proceedings and in the interim directed the provincial council to recommend, in the most earnest manner, to the phousdar, to enter upon his office, and exercise the functions thereof, as the peace of the country would be greatly endangered by a suspension of his powers.

And

And it appears, That the Dacca phousdar, upon being apprised of these sentiments of the governor general and council, and having received instructions from the Naib Subah, consented to discharge the business of his office in cases where the peace of the country might require it; but observed, that "until the dispute against men in office should be settled, it would be very difficult to go through the business with satisfaction." He states the various considerations which render it difficult and hazardous for him to proceed in executing the duties of his station, as a criminal magistrate, if he should be liable to have processes issued against him from the supreme court of judicature, and to make a defence in that court on every decision he might pass, in which one party must necessarily be dissatisfied.

And the provincial council, in conformity to instructions from the governor general and council, proceeded to take the depositions upon oath of the two wounded persons, and of ten others who had been present at different periods of the fray; enquiring very particularly into all the circumstances thereof; and on transmitting those depositions to the governor general and council, make this observation, "Without having heard all the evidence which may brought by every party, it is certain, that no decisive judgment can be formed; but we are at least justified in remarking, that from all the depositions we have taken in pursuance of your orders, with a minuteness of enquiry which might lead to an impartial discovery of truth, there arises not the smallest ground of belief, that any writ of the supreme court was produced, much less that it was torn and treated with contempt by Jaggernaut, or any other servants of the phousdarry." And Mr. Peat having applied to the provincial chief on the 1st of October, 1777, to remove the guard from his house, as the person he had shot was neither dead nor likely to die; observing in his letter, that the putting any restraint upon his personal liberty without his consent, would be a contempt of the supreme court, besides a private injury, for which he would be entitled to redress. The chief acquainted him in answer, that the last report of the surgeon was unfavourable; but that he had directed both the surgeons to attend him the ensuing day, and should be happy if their report might be such as to justify him in removing the guard; if not, he should refer the matter to Mr. justice Chambers, who was then passing through the town.

And it appears, that Mr. justice Chambers declined interfering in the business. But the next day the provincial council finding a probability of Meer Hossain's recovery, removed the guard from Mr. Peat's house; and as Meer Hossain, who had been shot by Mr. Peat, did not die of the wound, the governor general and council ordered the provincial chief and council to suspend the execution of their orders for sending the witnesses to Calcutta; leaving it to him alone, or the other sufferers in the late fray, to seek redress from the supreme court for any injuries they might have suffered. What redress was ever obtained, or what mode was pursued to obtain any, after it was left to the parties to pursue their own measures, does not appear from any public records in possession of your committee, or from other sufficient evidence. They perceive only, from an entry in the general account of losses and expences, stated to have arisen to the company from the proceedings of the supreme court of judicature since its first institution, that the sum of 5,273 current rupees had been paid to Syed Ally Cawn, the phousdar, and 400

Rs to Jaggernaut Dewan, making about 550l. for expences incurred by them.

It behoves your committee to mention, that in all the materials laid before them by the East-India company, or in the papers transmitted by the judges to his Majesty's secretary of state, and referred by the house to this committee, they do not find any representation or remarks from all or any one of them, on the subject of the dispute above related.

On the 13th of October of the same year, your committee perceive there was a representation made to the provincial council of Dacca, by Mirza Mothin, the darogha or superintendant of the phousdarry court, on the occasion of a process served upon him from the supreme court, to answer to a plea of assault and false imprisonment, at the suit of Francis Ford, a Taylor; in which Mr. Peat was attorney. In this representation he urges the difficulty of discharging the functions of his office, if he, "who is appointed to correct abuses and wrongs, is to give answer to the summonses and warrants of all the offenders in the English court, with which he is unacquainted."

Your committee thought it expedient to take notice of this representation, not on account of any important circumstances in the case itself, but as an incident, which suggests questions of magnitude to be decided by the wisdom of parliament, in any judicial regulations to be hereafter formed for the territorial acquisitions in Bengal.

First, whether British subjects of any rank whatsoever, residing in the interior parts of the country, at a distance from his majesty's charter courts, shall in any respect be amenable before the native magistrates of police and criminal jurisdiction?

Secondly, whether the native magistrates of police and criminal jurisdiction shall, as such, be liable to the jurisdiction of any court of English law, on what principles, and to what extent?

Having drawn from the public records of the company, the foregoing narrative of the interruption occasioned to the administration of criminal justice, by the proceedings of the supreme court of judicature, and their ministerial officer, Mr. Peat, your committee, referring the other articles of complaint against Mr. Peat to the head of revenue jurisdiction exercised by the company's servants or natives, proceed to subjoin to this narrative such further information as they have been able to procure from verbal testimony, relating to the dispute with the criminal country court, and its incidental circumstances.

And first, they examined Charles William Boughton Rouse, Esq. a member of your committee, who informed them, that he had been employed at Dacca, in the station of provincial chief, and that he was in that office at the time the process of the supreme court was issued against Jaggernaut, the dewan or principal public officer of the provincial criminal magistrate or phousdar. That there never had, to his knowledge, been any public notification to the officers of that court, that they were amenable, in that capacity, to the jurisdiction of the supreme court, before that process was served; that they received their orders immediately from Mahomed Reza Cawn, the Naib Subah, or Nabob's deputy, who notified their appointment to him the provincial chief; but that, in a letter written by the governor general and council, in September, 1777 (after the fray had happened) to the provincial council, it

it was directed, that in case of processes served from the supreme court upon officers of the phousdarry court, notice should be given to the governor general and council, that the company's attorney might plead to the jurisdiction. And being further asked, Whether there was any letter from the governor general and council previous to the process against Jaggernaut, ordering or authorizing Mahomed Reza Cawn to write a letter to the phousdar, informing him, that neither he, nor the officers of his court, were liable to the jurisdiction of the supreme court? he informed your committee, that no such communication was made to the Dacca council; that he does not know what communication or instruction there might have been from the governor general and council to the Naib Subah Mahomed Reza Cawn; but he remembers the provincial phousdar shewed him a Persian paper of instruction from Mahomed Reza Cawn, which he read, informing him, that no warrants could operate upon the officers of the Nizamut (which your committee understand to be the jurisdiction of the Nabob, under whom the phousdarry courts were placed by the constitution of the Mogul empire). And being asked, Whether the officers acting in the phousdarry court were considered as acting under or authorized by the company? he said, They were considered throughout the country as a part of that system of judicature established by the governor general and council, who acted as the sovereign power of the country, and as to their appointment, he was sure that the choice of men was not made by the governor general and council, nor by any person of influence at Dacca; that they certainly did not understand themselves, nor were considered by others, as subject to the jurisdiction of the supreme court, or responsible to it for their conduct in office; and the ground upon which he formed that opinion was, because he did not recollect, that any judgment had been given in the supreme court, declarative of such jurisdiction; because the instructions from their immediate superior told them, they were not subject to it; and because the proceedings of their court were not liable to any controul of the company's servants: and moreover, it was a branch of government, separate from that of the dewannee, the title by which the company hold their territorial acquisitions. That, from his knowledge of the country, he does not think it would be of advantage, but rather of detriment, to the native inhabitants, that this criminal court should be made responsible for its proceedings to the supreme court at Calcutta, on actions brought by persons who should conceive themselves injured by its proceedings or decisions. And being then asked, whether he did not think that some kind of superintendence, under proper restrictions, might be advantageous to the country? he said, he thought it would be very difficult to give to an English court of law, any mode of controul or superintendence over a body of judges, who must decide upon all matters of personal injury by a system of laws so totally dissimilar.

And as several suggestions had been made, in the proceedings of the supreme court, against the character and ability of the native judges and men of the law, the witness being asked, whether the officers of that court of phousdarry, and the expounders of the law, were not notorious for their corruption, ignorance, and incapacity? informed your committee, that Syed Ally Cawn, the principal magistrate, is a man of birth, education, and of a high principle of honour—That he believes the other officers in general are well versed in the law they profess; and in some decisions which came to his

 knowledge,

knowledge, he has found a candour and independence which would have done honour to any magistracy. And being asked, whether they were not notoriously under the influence of the English chief and council of their respective districts, not daring to decide any point against their inclinations? he said, that he has not known any particular case, nor heard of any case, in which they were so, whilst he was chief at Dacca—That the provincial phousdar frequently consulted with him upon matters of consequence, more especially in processes to be served by him, which more immediately might affect the peace of the country, or the collection of the revenue; but in the ordinary decisions of his court he (the chief) did never exercise the smallest interference or controul; nor does he think the judges thereof would quietly have submitted, if he had attempted it: this information he means to apply to the state in which the phousdarry department has been, since it was placed under the direction of the Naib Subah—That he has not known any notorious instances of partiality and denial of justice in that court, where the Subah, or any of his family or officers, or those of English gentlemen, were concerned—That in some cases he thinks that influence might operate, but as the present system of government establishes various checks and modes of application for redress, he does not think it could operate materially to the prevention of justice.

And your committee having observed, in a printed pamphlet, purporting to be letters from Mr. Peat, that a crime of an important nature had not been properly enquired into and punished; the witness was asked, whether he has not heard, that a man named Khyroo, prosecuting in that court for a rape committed upon his wife, was not only denied justice, but suffered much oppression for having made such complaint? He replied, that he never did hear it, nor was the name of Khyroo known to him, till he took pains to make enquiry concerning him, after the fray had happened between the officers of the supreme court and those of the phousdarry, the result of which was communicated to the governor general and council, in the letter written to them on that occasion. The witness added, that he never did hear the smallest intimation concerning any injustice done to Khyroo, nor of its making a great noise in the city of Dacca, or causing discontent amongst the inhabitants: and had there been any great act of injustice committed by the Phousdarry officers, he is sure he should have heard of it, as there cannot be a race of men upon earth more litigious and clamorous than the inhabitants of Dacca; whom he has found always ready to renew their complaints after regular decisions had been passed in a court of justice—That the general temper of the people did not appear to him at all averse to the country courts, as now established in the province, but that the operation of the supreme court certainly excited much discontent there. And being asked, whether the residence of Mr. Peat there, as an officer of the supreme court, and an attorney at law, did not give a general satisfaction to the inhabitants of Dacca, as furnishing the means of screening them from the oppression of the country courts? He said, he was absent from Dacca when Mr. Peat arrived; but understood, on his return, he had been received with great marks of respect and fear—That the common people of that country would be pleased to resort to any new power, which would gratify their litigious spirit; but the respectable part of the community suffered much disquiet. And being asked, whether

this

this satisfaction of the lower order, and the displeasure of the higher, has not arisen particularly from the oppressions which have been usually exercised by the higher upon the lower orders? he answered in the negative; and said, that if government itself, or its agents, do not set the example of oppression, he does not think the higher orders more disposed to oppress their inferiors, than they are in other countries; that the most substantial inhabitants of Dacca are zemindars, brokers who engage for the manufacture and purchase of cloths, and bankers, of whom many are concerned in the business of revenue; and over all those, the exercise of English law would be peculiarly obnoxious, because they have always, from the custom of the country government, exercised a power over their inferiors, which, if brought to trial in an English court, would subject them to severe processes, and heavy damages—That the people of that country, accustomed to an arbitrary authority and summary process, naturally judged of Mr. Peat, and the nature of his employments, from the power which they saw proceed from him, in receiving complaints, issuing processes of arrest, and personal imprisonment; and all these avowedly independent of that authority they had been used to respect. In several of the Persian petitions delivered to him (as provincial chief) Mr. Peat was stiled the Naib, or deputy of the supreme court; and the term of Cutcherry was applied to his house, as it would be to the house of one exercising authority—That he cannot speak with certainty whether the governor general and council were consulted by the judges, before Mr. Peat went to reside at Dacca; but he remembers hearing, that the governor general and council had objected against any Europeans going into the provinces without their permission, conformable to the established rules; but that the judges asserted their right to send attornies into any parts where their jurisdiction extended—He said, that the seizure of Jaggernaut, whilst he was acting as a public officer of the phousdarry court, had produced the greatest consternation imaginable; that it was considered in general as a very violent and irregular proceeding, and subversive of the old established government; and the insult offered to the first magistrate, was esteemed so great, that the quiet submission of him and his people was rather a matter of surprize; and in its effects, it entirely put a stop to criminal justice, as no man thought himself safe in exercising any judicial authority. And being further asked, whether he is not of opinion, that the jurisdiction of the supreme court, if limited to the European servants of the company, and their actual agents and persons employed by them, would be greatly beneficial to the country? He said, he thought it absolutely necessary that there should be some court vested with considerable powers to exercise jurisdiction over Europeans; but it would be a matter of very delicate consideration, how to render the natives employed by Europeans, or by the company, amenable to an English court of law.

And the witness being futher examined, as to the circumstances of Mr. Peat's arrival at Dacca, and practice there, informed your committee, that he has not often seen Mr. Peat, that he first saw him as clerk to Mr. Justice Hyde, and should guess him to be about twenty years of age when he arrived at Dacca; that he was received with great distinction on his arrrival, many persons having gone to the boundaries of the province to meet him, and visits having been paid to him by the natives, and particularly by the grandsons of the Nabob Jessarut Cawn, formerly governor of the Dacca province

under

[illegible]r Jaffier Ally Cawn; all which compliments are not ufually paid to any but the chief of the council who prefided over that province—That he has always heard Mr. Peat did not underftand the country language, and is inclined to believe it, becaufe he employed a clerk to interpret when Jaggernaut was fent to him with two members of the council.

And your committee thinking it right to enquire into the age and capacity of the company's fervants who prefided in rotation in the Dewannee Adaulut, or provincial court of civil jurifdiction, was informed by the witnefs, that having held no other ftation at Dacca than that of provincial chief, he never did prefide in the Dewannee Adaulut there; that the other gentlemen of the Dacca council, as well as himfelf, were rather of lower ftanding in the fervice than the members of the other councils; but in general thofe of Dacca were from feven to ten years ftanding when firft appointed—That he had held the ftation near three years before Mr. Peat's arrival; that of thofe who prefided by rotation, he fcarcely remembers an inftance of any gentleman who did not underftand the common country language fufficiently to take an evidence, and fome were able to read the Perfian; but before he left the country, the plan of prefiding by rotation at Dacca was altered, and the fuperintendency of the Adaulut was conferred upon Mr. Evelyn, a gentleman who from his knowledge of the country languages, and general experience, was perfectly well qualified to conduct that bufinefs.

And it having been charged in certain printed papers, purporting to be letters from Mr. Peat, that during the period abovementioned, juftice had been frequently and notorioufly fet up to fale, to both the litigant parties in a fuit, and the profits of fuch unjuftifiable tranfactions actually farmed out; your committee examined into Mr. Roufe's knowledge of the fame—He replied, that he not only does not know of any fuch practice having exifted during the whole time he held the chiefſhip of Dacca, but on his confcience believes, that fuch a fuppofition is totally falfe. Had there exifted fuch a practice, he thinks it muft neceffarily have come to his knowledge, and moft probably would have been ftated in the petitions of appeal, of which many are recorded in the Dacca confultations, without the fuppreffion of any circumftance contained in them.

And Mr. William Hicky, who had practifed as an attorney in the fupreme court, being alfo examined, informed your committee, that he was acquainted with Mr. Peat; that he firft knew him in the capacity of clerk to Mr. Juftice Hyde; and although Mr. Peat was practifing as an attorney at Dacca, his bills as judge's clerk were regularly delivered to the different attornies at Calcutta—That he fuppofes him to have been about twenty-one years of age, and he had been then three years in the country; but his partner, Mr. Wroughton, was not above fixteen at the time of his admiffion as an attorney of the fupreme court.

And your committee, in their further enquiry into the proceedings on the affair at Dacca, examined Captain John Cowe, who informed them, that he had ferved about twelve years in the military line in Bengal, and that he was ftationed at Dacca in the year 1777—That he knew Mr. Peat, who refided at Dacca, and acted as attorney of the fupreme court, and deputy fheriff—That he received orders from the chief and provincial council at Dacca, to put a guard over Mr. Peat, which he obeyed; and the reafons he affigned for that

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measure, were, from Mr. Peat's having shot a man whose life was despaired of by the public surgeons. And being asked, whether he received at that time a letter from any of the judges of the supreme court, concerning Mr. Peat and his confinement? he said, he did receive one from Mr. Justice Hyde. Then the witness being shewn a copy of a letter from Mr. Justice Hyde to him, dated at Fort William the 23d of September, 1777, printed in a book called "Observations upon the Administration of Justice in Bengal, &c." and herein-before set forth, he said, that he believed it to be a true copy of Mr Justice's Hyde's letter to him.

And the witness informed your committee, that he was at Dacca when Mr. Peat arrived there, upon which occasion he was attended by several of the principal people of the city, who waited upon him at his landing, and accompanied him to his house—That he believes similar distinctions are never paid to any member of the provincial council, but only to the chief—That he was attended by a great retinue, having usually ten or twelve peons running before him when he went through the streets; and he imputed the distinction with which Mr. Peat was received by the inhabitants of Dacca, to an idea they had, that he was a vakeel (or agent) of Sir Elijah Impey, and would give them more substantial justice than they had formerly been used to. And being asked, whether there were any complaints of the want of substantial justice before the arrival of Mr. Peat? he said none that he ever heard of, excepting the clamours of the vakeels of the zemindars and landholders, who are often hired for that purpose, to prolong the time of payment of their rents; and he had occasion to observe during his residence at Dacca, that the people of that country are more clamorous and litigious, than in any other part of Bengal that he has seen; and he never did hear, that during any part of the time he resided at Dacca, a custom prevailed of farming out the profits of the Dewannee Adaulut.

And being examined, as to the effect which the seizure of Juggernaut, the Dewan of the phousdarry court, and the trial which thereupon ensued, produced on the minds of the inhabitants of Dacca? He said that they seemed to regard it with wonder and astonishment, and many of them were surprized that a party of sepoys was not sent by the phousdar, or by government, to revenge the insult on Mr. Peat's person; and Mr. Peat himself was so much under apprehension for his personal safety, that he applied to the witness for a party of sepoys to protect him from any attempt of the natives.

The witness said, he knew Syed Ally Cawn, the phousdar or chief criminal magistrate, very well, and his general character was very respectable. And finally being asked, whether, during the time he resided at Dacca, he heard the people of that province express content or discontent of the mode in which justice was administered in the several branches? he replied, that they seemed in general much satisfied; and he never heard any discontent at the administration of justice.

Your committee are now to report the cause of Cossinaut Baboo, against the Rajah of Cossijurah, which affords the first instance of open resistance shewn to the process of the court, by the governor general and council; this they justify upon the plea of state necessity, and they appear before this House, praying an indemnity for an opposition, which, if not strictly legal, they consider as justifiable upon the necessity of the circumstances.

Your

Your committee find, that Coffinaut Baboo is a principal merchant at Calcutta, and a man of confiderable rank, nearly allied to the Rajah Soondernarain, Zemindar of the pergunnahs of Coffijurah and Shâpore, which form part of the diftrict of Midnapore, in the province of Oriffa, for whom he had been fecurity for the rents payable to government, and manager of all affairs relative to the zemindary, during almoft five years.

In confequence of this fituation, feveral accounts and crofs claims between him and government on the one hand, and between him and the Rajah and and the tenants on the other, had been in difcuffion before the chief of Burdwan: this officer's report to the governor general and council, on thefe accounts and claims, was unfavourable to Coffinaut Baboo, and procefs was accordingly ordered by the board, for the recovery of the balances due to government againft Coffinaut, who was arrefted and confined, with circumftances (as he complained) of very great hardfhip. To be relieved from his confinement, he applied for and obtained a writ of habeas corpus from the fupreme court. The return to the writ appearing to be effentially defective, time was given, by confent of parties, for making one more regular and legal; Coffinaut, under the fame confent, was in effect fet at liberty, though not in virtue of the writ; his counfel engaging to government for his appearance at the day appointed for making the return. In this interval, upon a very refpectful petition being delivered to the governor and council from Coffinaut Baboo, offering to depofit the balance demanded, to await the final judgment of the governor general and council, and requefting a further and more exact examination of accounts, the parties agreed to fufpend all further coercive proceedings on either fide, Coffinaut Baboo actually depofiting the fum in difpute, and the governor and council engaging for the fair and full inveftigation demanded in the petition.

This tranfaction was concluded on the 17th day of June, 1777. Two years elapfed without any fettlement of the account to the fatisfaction of Coffinaut, the principal officer ftill making a report unfavourable to his pretenfions, and on the 25th of May, 1779, Coffinaut prefented to the governor general and council, a petition, requefting a fpeedy decifion of the matter in difpute—The bufinefs was thereupon referred by the governor general and council to the fuperintendant of the Khalfa records, to be by him examined, and a report made thereupon to the governor general and council, for their decifion.

On the 28th of the fame month, this report was accordingly made by the fuperintendant, accompanied with two abftracts of the account current between the parties. This mode of adjufting the accounts was objected to by Coffinaut; and the matter was actually under examination (Coffijurah Appendix, No 2.) when Coffinaut, upon the 13th of Auguft, 1779, commenced a fuit againft the Rajah of Coffijurah, in the fupreme court.

It appears to your committee, that Mr. Juftice Hyde, upon reading the affidavit of Coffinaut, immediately gave a written order that a capias fhould iffue againft the faid Rajah; and that a claufe fhould be inferted in the fame, authorifing the fheriff to take bail in the fum of three hundred thoufand ficca rupees (about thirty-five thoufand pounds fterling.)

Notice of this procefs was given to the governor general and council, in a letter from Mr. Pearce, dated Midnapore, September the 4th, 1779; in which he alfo mentions that the writ had been fent into the pergunnah, with a fheriff's

a sheriff's officer, to be served upon the zemindar; and that, in consequence thereof, the zemindar had been obliged to conceal himself, and was thereby prevented from following the duties of his station, and exerting himself in fulfilling his engagements to the company by the payment of his revenues.

Upon the receipt of this letter, the governor general and council ordered, that the opinion of the advocate general should be taken; and that Mr. Pearce and the zemindar should have notice to act upon the occasion, according to the instructions they should receive from the advocate general.

The opinion of the advocate general was accordingly laid before the Board on the 19th of October: he advises, "That in the case now referred to him, the zemindar have notice, that not being subject to the jurisdiction, he shall not appear, or plead, or do or suffer any act which may amount, on his part, to a recognition of the authority of the judicature, as extending to himself." He likewise advises, "That in all similar cases, as well as in the present, the power of government shall not, if called upon, be employed in aid of the judicature; but that they be left to their own means of executing their process, and thus render themselves alone responsible, should such be the event, for having unnecessarily hazarded the dignity and authority of the king's judicature, by exposing its process to contempt, and its officers to resistance and repulse."

In consequence of this opinion of the advocate general, a letter was sent by the governor general and council to Mr. Pearce; in which he was directed to give notice to the Zemindar, that, not being subject to the jurisdiction of the supreme court, he should not appear, or plead, or do or suffer any act which might amount on his part to a recognition of the authority of the judicature, as extending to himself. Mr. Pearce was likewise directed, that if in consequence of any resistance offered to the sheriff's officer, application should be made to him by the sheriff's officer for military assistance, he should not grant such assistance, either in this, or in any other instance, but should report the circumstances of the case to them (the governor general and council) and wait their orders.

It appears to your committee, That on the 30th of November, 1779, the governor general and council had notice, as well by a letter from Mr. Naylor, the company's attorney, as by the personal examination of the said Mr. Naylor, that the writ of capias is sued by the supreme court against the Rajah of Cossijurah, having been returned as unexecuted, in consequence of the Rajah's having concealed himself, it had been followed by another writ, to sequester the lands and effects of the said Rajah, in order to compel his personal appearance; and that, to enforce the execution of this last writ, the sheriff had dispatched to Cossijurah an armed force, consisting of sixty persons, as well European sailors, as peons and sepoys, armed, as appears to Mr. Naylor, by Cossinaut himself, and instructed to use their force, in case any resistance should be made to the execution of the writ. It was thereupon resolved in council, that a letter should be written, and immediately dispatched to Lieutenant Colonel Ahmuty, commanding the cantonments near Midnapore, informing him of the above particulars, and requiring him, for the preservation of the peace and tranquility of the country, immediately on the receipt of their letter, to detach a sufficient force from the battalions under his command, to intercept and apprehend any body or bodies of men answering this description, within the districts of Midnapore and Jellasore, and

[illegible]tain them in his custody till he should have made his report to the board, [illegible] have received their further orders.

Your committee find, That on the 3d of December, a letter from Mr Naylor, the company's attorney, to Mr. Hastings, accompanying a representation from the Rajah of Cossijurah, was laid before the board by the governor general; stating, that a party of men, headed by a serjeant of the court, and Gocul, a servant of Cossinaut, the plaintiff in the cause, entered the house of the Rajah, in order to set their seal upon it, and endeavoured to enter the zenana, or women's apartment, and that, upon an opposition made by the Rajah's servants to their attempt, several of them were beat and wounded; that upon a reinforcement arriving from the sheriff, the Rajah directed that his servants should make no further resistance, that upon this, the serjeant, at the instance of the said Gocul, bound and beat certain of his servants, upon which the rest absconded, that the party then broke open and forcibly entered his house and zenana, and plundered his effects, that other persons arriving in the morning, seized some of his servants, beat and ill-treated others, sequestered the remainder of his effects, committed outrages upon his place of religious worship, and stript it of its ornaments; and that by this means a stop was put to the collection, and his tenants were prohibited by Gocul from paying their rents. A letter from Mr Peirce to the governor general and council was likewise read, desiring the directions of government how to proceed, in consequence of a letter he had received from the sheriff, demanding his assistance in the execution of the writ, and founding that demand upon a clause of the charter, which he transmitted in his letter. It appears, by a letter from the chief justice to Lord Weymouth, dated the 3d of March, 1780, that this letter was written by the sheriff, in consequence of an order from the chief justice.

Your committee observe, That the board called on the advocate general for his opinion as to the measures they should adopt upon this occasion. The advocate general observed, that since his former opinion, the question had so far changed its aspect, as to be a question of government and political necessity, not of law; he therefore desired, that if it was expected that he should give an opinion upon this subject, it might not be a sudden one. To this the board assented.

Your committee observe, That they directed Mr. Jonathan Duncan, one of the civil servants of the company, immediately to proceed to Cossijurah, and there to take the depositions of all the persons present at the late disturbances. The Rajah was ordered to afford Mr Duncan all possible assistance on his part, and to cause the witnesses, whose depositions he might take, to return with him to the presidency; a letter was also written to Colonel Ahmuty, directing him to send to the presidency any person he might have apprehended in consequence of their former order of the 30th of November.

It appears to your committee, That in obedience to the orders received from the governor general and council, Lieutenant Colonel Ahmuty detached from the camp at Midnapore two companies of sepoys, under the command of lieutenant Bamford, who, on the morning of the 3d of December, seized the sheriff's officers, and those acting under them, at Cossijurah, amounting to 30 sepoys, about 20 peons, and 8 Europeans. In the afternoon of the same day they seized six more Europeans, with Gocul Sircar, the gomastah of

of Cossinaut, who had been (under the authority of separate warrants of sequestration) to execute the writ at Rajee Bulpoor, where the Rajah of Cossijurah has his principal residence.

Your committee find, That the governor general and council, on the 17th of December, made the following notification to all the zemindars and landholders of the provinces:

Be it known to all zemindars, chowdries, and talookdars, in the provinces or subahs of Bengal, Bahar, and Orissa:

Whereas, representations have been received from many of the zemindars, chowdries, and talookdars of these provinces, by the governor general and supreme council at Fort William, that summonses, warrants, and other process of the supreme court of judicature at Calcutta, have been served upon them by the sheriff's officers, requiring or compelling them to appear before the judges of the said supreme court, and give in answers to complaints or suits instituted against them; notice is hereby given to the zemindars, chowdries, and talookdars, of the provinces aforesaid, "That, not being subject to the jurisdiction of the supreme court (except in the cases which will be hereafter specified) they shall not (in case of any summons, warrant, or other process of the said supreme court, being served upon them by the sheriff, or his officers) appear, nor plead, nor do, nor suffer any act which may amount, on their part, to a recognition of the authority of the judicature, as extending to themselves."

In cases where the zemindars, chowdries, and talookdars, are, in common with all the inhabitants of these provinces, subject to the jurisdiction of the supreme court, and must pay obedience to its process, are as follows:

"Where the parties sued shall, at the time when the debt or cause of action shall have arisen, have been employed by, or shall have been directly or indirectly in the service of, the company, or of any of his Majesty's subjects:" Or

"Where the party sued shall have entered into any contract or agreement in writing with any of his Majesty's subjects, and the cause of action shall exceed the sum of five hundred current rupees; and where the party shall have agreed in the said contract, that in case of dispute, the matter shall be heard and determined in the said supreme court."

And your committee observe, That this notification was sent to all the provincial councils and collectors of the provinces, with directions to publish it in their respective districts; the governor general and council further ordered, that if, in consequence of any resistance offered by persons in the above characters, to the execution of the process of the supreme court, any application should be made to the provincial chiefs for military assistance, they were not to grant such military assistance, but to report the circumstances to the governor general and council, and to wait their orders.

Your committee find, from the proceedings of the governor general and council, in their revenue department, dated the 7th of December, 1779, that the advocate general gave it as his opinion, that the resistance shewn to the process of the court was unavoidable; but, however, unless circumstances should appear of very flagrant guilt in the parties employed in the execution of the writ, he advised that the prisoners should be released.

The depositions taken by Mr. Duncan were on the same day laid before the board.

And your committee find, That the governor general and council ordered the prisoners, then arrived at Calcutta, to be released; and intimated to the Rajah, that having had notice that the seals affixed by the sheriff's officers to his houses and effects still remained thereon, it rested entirely with him (the Rajah) either to suffer the seals to remain, or himself to remove them.

The governor general and council likewise wrote a letter to Lieutenant Colonel Ahmuty, ordering him, in case any attempt should be made on the part of the supreme court, to serve any writ upon himself, Lieutenant Bomford, or any officer or sepoy belonging to the detachment employed to oppose the execution of the writ, for any act done in consequence of their orders of the 30th of November; that he should resist such an attempt, and counsel the person executing it to depart the limits of his command.

It appears to your committee, That on the 18th of January, an attachment was moved for in the supreme court, against Mr. William Swainston, assistant at Midnapore, and Lieutenant Bomford, for a high contempt of court, in the part they took in the rescue of the houses, lands, and effects of the Rajah of Cossijurah, and of the subsequent conducting of the prisoners under a strong guard to Calcutta.

It was also moved, that rules might be made against Warren Hastings and Richard Barwell, Esqrs. and Mr. North Naylor, to answer certain affidavits of the sheriff's officers, and others.

Your committee find, that the chief justice refused to grant an attachment in the first instance, but ordered, "that there should be a rule to shew cause, why an attachment should not issue against Mr. Swainston and Lieutenant Bomford, and Mr. Naylor."

The chief justice further observes, "That as to the governor general and Mr. Barwell, he will not include them in the rule, because he will not grant a rule the court cannot enforce; and they are determined to enforce their rule to the utmost of their power:—they should be served with copies of the rule, that they may answer if they please—That the sheriff do apply to the governor general and council, and to each of the council general separately, for assistance in executing the rules."

In consequence of this order, the sheriff of Calcutta wrote a letter to the governor general and council, requiring him, under the authority of a clause in the charter, to be aiding and assisting in the service of the rules of the supreme court, on William Swainston, Stephen Bomford, and North Naylor; which letter was referred by the governor general and council to the advocate general.

It appears to your committee, that on the 30th of January 1780, the advocate general represented to the board, that his former advice had not extended to any thing beyond neutrality on the part of the governor general and council; but acquiesces in the necessity by which they had been driven openly to resist the process of the court.

In consequence of this opinion, the board resolved, on the 30th of January, "to abide by the principles on which they had already proceeded in their resistance of (what they term) the illegal acts of the supreme court of judicature; and that they will enforce and defend the orders made upon these principles."

It further appears to your committee, that on the 24th of January, an attempt was made by Findlay, the sheriff's officer, to enter the lines at Midnapore

pore, for the purpose of serving the rule of court upon Swainston and Lieutenant Bomford; guards had however been previously stationed by Lieutenant Colonel Ahmuty, in conformity to the orders of the governor general and council, for the purpose of preventing the service of the said rule upon Lieutenant Bomford.—And Lieutenant Colonel Ahmuty informed the said Findlay, that Swainston was not under his command, and that he should not permit him to enter the camp, without an order from the governor general and council, if he came there upon the Cossijurah business.

It appears, that in consequence of this transaction, the sheriff, by order of the supreme court, sent a letter to the governor general and council, serving Mr. Hastings, Mr. Barwell, Mr. Francis, and Mr. Wheeler, individually, and collectively as governor general and council, by means of their public secretary, with a copy of the rule against Lieutenant Bomford, and likewise with a copy of the last clause of the charter, by which all persons, civil and military, are required to be aiding and assisting to the supreme court; and the board ordered that these papers should be referred to their advocate general, and that he should thereupon advise, whether any, and what answer should be given; and likewise that a copy of the clauses of the act of the thirteenth of his present Majesty, and of the charter of justice, should be delivered to the advocate general, and that he should be desired to inform the board, whether the supreme court could receive suit, or issue process against the governor general and council, separately or individually, for acts done in their collective and corporate capacity, or whether such process should not be directed to their attorney?

The advocate general, in a report read before the board on the 25th of February, states it as his opinion, that no answer should be given to the requisition of the sheriff; and urges, that though the statute and charter of justice exempt the governor general and members of the supreme court from arrests, in acts, suit, or proceeding, and from trial for offences short of felony or treason, he thinks them nevertheless clearly amenable to the justice of the court in any civil proceeding, of which they may be individually objects. He apprehends, however, their subjection to the jurisdiction of the court, to be, in law and common sense, restrained to their acts in their private capacity.

It appears to your committee, that on the 22d of February 1780, Mr. North Naylor, the company's attorney, in a letter to the governor general and council, lays before the board a minute of the proceedings of the supreme court upon the rule by which he was ordered to answer certain affidavits alledging contempt.—He complains of the delay of justice on the part of the court, by postponing their determination; and conceives their proceedings to be rather a deliberate and concerted measure to degrade the dignity of government, than as having for their object so inconsiderable a sacrifice as himself.—He further complains of the insufficiency of the facts alledged in the affidavit, of the weak and incompetent evidence of those facts, and of the unusual precipitancy of the original proceeding. He conceives the Rajah of Cossijurah to be strictly his client. States, himself as almost induced to believe the motives of the supreme court to be the extorting from him the secrets of his employers, the governor general and council; and assures them of his determination to the silence he considers himself as in duty bound to maintain, whatever may be the result. He states, that the intima-

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tion given in court by the chief justice, that Cossinaut has his remedy against the members of government, would alone justify his silence

Your committee find, that on the 1st of March 1780, Mr North Naylor, the attorney of the East India company, was committed to the common gaol of Calcutta, by the supreme court, for contempt.

Your committee find, that on the 3d of March, the governor general and council were severally served with a summons from the supreme court of judicature, to answer to Cossinaut Biboo, in a plea of trespass on the case, and that although from the summons it did not appear what the ground of action was, yet the name of the plaintiff left the council general no room for doubt, they accordingly directed, that counsel should plead in each action to the jurisdiction, taking for the ground of such plea, the exemption of the members of that government from the jurisdiction of the supreme court upon any suit to be preferred individually against them, for their concurrence in acts of government. The governor general and council add further, that if upon that plea judgment should go against them, they had directed the cause to be appealed

Your committee observe a letter from Mr. North Naylor, dated Calcutta gaol, 9th of March, to the governor general and council, transmitting a copy of twenty interrogatories, which he was called upon to answer in the criminal prosecution then pending against him In this letter, Mr. Naylor, after stating the consequences of being obliged to answer such interrogatories, declares his intentions to conform to such directions as the board shall suggest.

The governor general and council, having duly weighed this letter, are decisive in opinion, that, taking the question on public ground, it is their duty to forbid his answering these interrogatories, and that unless they consented, Mr. Naylor could not answer them without a breach of duty and confidence, as their official servant, but in consideration of the case, as it personally respected himself, they find themselves restrained by the apprehension that a long imprisonment in Calcutta goal would be fatal to Mr. Naylor, and therefore, to prevent his becoming the victim of their rights, they insist and direct, that he do answer to the interrogatories, having first entered his exceptions against such parts of them as he shall judge it improper in him to reveal, or illegal in the court to put to him

Your committee find the following letter, dated the 5th of March 1780, from Lieutenant Colonel Anmuty, was sent to the governor general and council, and by them entered in their proceedings of the 9th of March 1780.

"Honourable Sir, and Gentlemen,

"I take the liberty to acquaint you, that I have prevented Findlay the constable from coming to camp by the means of various disguise, and also from conveying letters to me under different pretences, informing him I knew no one, nor was subordinate to any but the governor and council; and recommended to him to take care not to force the sentries, as I did not want to hurt him; but if he was so imprudent, he must suffer the consequences, and blame himself. He did receive several letters by his own hircarrahs from Calcutta, and was twice there, and returned

On the 2d instant, a jemadar and twelve Peons arrived in the neighbourhood from the court, the same who were at Cossijurah, and it is reported four constables are also lurking about: I am credibly informed they have a letter directed to Lieutenant Bomford, with the court seal on it; I believe by their

their motions they are endeavouring to take him by force, because three or four were seen last night lurking in the camp; but on dispatching a guard to seize them, they soon disappeared. This has made me more vigilant; and this morning I have given notice, by beat of tom tom, to prevent any one in camp from sheltering those fellows, and offering a reward to any person who will apprehend any of them within the sentries.

I hope, gentlemen, this will meet with your approbation. I beg leave to remind your honourable board, that this detachment is now under orders to march for Burrumpore, and to acquaint you, that my power ceases on our junction with the brigade; and therefore request you will please to take such steps as will prevent the malignity of the court from falling on me and Lieutenant Bomford."

Your committee observe, that when the governor general and council found that the suit instituted against them by Cossinaut was for acts done by them in their collective capacity of governor general and council, they directed the appearance to the action, which had before been made, to be withdrawn.

The governor general and council deny, that their corporate acts, as the government of that presidency, or done in the execution of the powers vested in them by parliament, are cognizable in the supreme court of judicature, or that they are answerable, as individuals, in that court, for the consequences of such acts. In obedience to their instructions the company's counsel delivered in a declaration to the supreme court to this effect, stating, that they would not submit to any rule, process, or judgment, or other act whatsoever, of the supreme court, in that action, or in any other action of the same nature, by which it may be attempted to make them answerable in the supreme court, as individuals, for the corporate acts of the governor-general and council, not cognizable by the supreme court.

Your committee find, in a letter of the 14th of March, from the governor general and council to the court of directors, that the judges of the supreme court have delivered separate and long opinions on the contents and nature of the declaration, and unanimously concurred in their opinions, that there were no grounds to stay the proceedings in the cause. Your committee think proper to remark, that it appears by the said letter of the 14th of March, that these opinions had not been delivered to the governor general and council, and they are not to be found on the company's records, nor have such opinions been submitted to their consideration, excepting that of chief justice Impey, in his letter to Lord Weymouth, March 12, 1780.

It appears to your committee, by the letter from Sir Elijah Impey to Lord Weymouth, of the 12th of March, 1780, that Mr. Barwell, one of the council general, disapproved of the intention of the governor general and council, not to appear to the action, and left instructions to his attorney, in case the other defendants did not appear and plead, to put in an appearance and plea for him.

Your committee finding that Mr. Barwell had concurred in opinion with the council general in their opposition to the jurisdiction of the supreme court, thought proper to examine him; and find, from his evidence, that he had left such orders with his attorney in Bengal.

Your committee find, that Cossinaut had, on the 11th of March, 1780, suddenly ordered his attorney to discontinue his action against the governor general and council, and also his action against the Rajah of Cossijurah.

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Your committee observe, in a letter from the chief justice, Sir Elijah Impey, to Lord Weymouth, his Majesty's secretary of state for the southern department, of the 2d of March, 1780, he writes, "That but one term has intervened since these disputes, and the business of the court, as I estimate, has fallen off near one third, and in a term or two, when the causes already commenced are got rid of, I expect it will be reduced to the trial of a few causes arising in Calcutta; to which place the natives are taught to understand the functions of the court have been confined by the authority of the governor general and council. The advocates, attornies, and officers of the court, who have not already succeeded, will be reduced to a most deplorable situation. The attornies have petitioned us, that on account of the difficulty of their procuring subsistence in the present state of things, that their number may not be increased by new admissions, though persons may come from England so qualified; and recommended, that we may not be able to comply with this requisition; yet I really apprehend we shall do them little service by admitting them; for it seems to me, it will be only to give them the privilege of starving in company with the present attornies."

Your committee observe, in a letter of the 16th of March, 1780, from the secretary of the council general in Bengal, to Mr. Mitchell, secretary to the East-India company, that Mr. North Naylor, the company's attorney in Bengal, was released from his confinement on bail.

Your committee thought proper to examine Richard Barwell, Esq. upon this subject, who informed your committee, that he had resided in India 23 years, ten of which he had been of the council of Bengal; and when he left that country, was of the council general, and next in rank to the governor general; and that he left Bengal on the 10th of March, 1780. Your committee not observing Mr. Barwell's name to the petition from the governor general and council to this honourable House; and being asked, if he had any reasons for not signing it? said, he never saw the petition in India, previous to its being drawn; and as he had determined to quit his station, from the moment he had communicated his resolution he did not attend the council. Being asked, When he communicated that resolution? he said, the instant he understood the measures of government were likely to be conducted with some decree of cordiality and confidence amongst the different members—that the state of parties, he thought, required the gentlemen to contract some habits of doing business together, before he could with propriety leave the governor general; and that it was necessary that the governor general should be satisfied with the conduct of his colleagues, to justify Mr. Barwell in leaving his station; that he communicated his resolution to the court of directors, through the board, at the end of February; and that he declared it to the members of the council individually, in January; from which time he declined to attend the board. Being asked, at what time in January? he said,, it must have been at the very end of January, or beginning of February. And being asked, if the measure of presenting a petition to parliament, on the disputes betwixt the governor general and council and the judges, had been agitated in council before the end of January, 1780? he said, that he did not know that such a proposal had been agitated in council; but recollected a great deal of conversation about it, but that nothing was ever seriously brought before the council. And being asked, whe-

ther that measure was agitated in council before he left Bengal? he answered that to the best of his recollection it was not. And being asked, whether any communication had been made to the judges, of the petition of the British inhabitants of Bengal? he said, he did not know of any communication; he believes there was none. And being asked, whether it was intentionally withheld from them? answered, that he believes it was; he did not see it himself, nor any of the other papers that may relate to it.

Your committee asked Mr. Barwell, if any action had been brought against him in the supreme court, in consequence of any proceedings of the governor-general and council, in the cause of Cossinaut Baboo against the zemindar of Cossijurah? he said, there was an action. The process of the court, he thinks, did not express the cause of action to be what was stated in the question; it was, to the best of his remembrance, at the suit of Cossinaut Baboo. Being asked, if he entered any appearance to that action? he said, he did; and at the very time, independent of the other members of the council. And being asked, if the other members of the council entered an appearance to any such action brought against them? he said, they did, and ordered the company's attorney at record to put in an appearance for them; and that he was not present at the meeting of council when this order was issued. And being asked, if he withdrew his appearance, said, he did not. And being asked, if the other members of the council withdrew theirs? said, he did not know, farther than what he had heard since his arrival in England. And being asked, if he knew upon what principle the other members of the council entered their appearance? said, that he understood they entered appearance as individuals. And being asked, if he left an order not to withdraw his appearance? said, that he ordered his appearance not to be withdrawn. And being asked, upon what principle he left such orders? he said, because he esteemed himself subject to the jurisdiction of the court, and might have his redress by appeal. And being asked, if he understood it to be in contemplation with the other members of the council to withdraw their appearance, if declarations should be against them, in their public character? said, he did understand it was in contemplation, and which was the reason of the instructions he gave to his attorney. And being asked, if he considered himself as subject to the jurisdiction of the supreme court, as an individual, for all acts done by him in his public capacity, as one of the council general? said he did; and that he knew of no exemption in the regulating act of the 13th George III.

Your committee examined Mr. Barwell, whether he agreed in the order sent to Mr. Pearce, collector of Midnapore, not to comply with any application that might be made to him, by any sheriff's officer, for military assistance? he said, that he concurred with the council in giving effect to the opinion of the company's advocate general, which declared the law not to operate upon a certain description of men. The order grounded on that opinion he agreed to. Being asked, if he agreed to all the other acts of the board founded upon that principle? said, he did; and that the council did not move a step without law advice. And being asked, whether he entered any protest or dissent, in consultation on that business? said, he did not; that when Sir John Day, the advocate general, first advanced the opinion that influenced the council to the measures that were adopted, his own private sentiments were over-

over-ruled. The example brought in instance of the jurisdiction of the court, not affecting the zemindars of Bengal, was an attempt of the mayor's court of Fort St. George, to arrest either the Nabob of Arcot, or some of his officers; and an opinion which Sir John Day had given, that "That act should be resisted by the Nabob or his officers, and that it had been resisted, and that the court had no power to enforce its process." The advocate general deduced, that the same independency was in the zemindars of Bengal; and that they might and ought to resist the process of the court. Your committee then asked Mr. Barwell, if that instance, being part of the advocate general's opinion, was on record? he said, he thought not. He was asked, if his opinion was over-ruled by the opinions of the other members of the board, or by that of the advocate general? he said, the question was a point of law; the directors of the East India company had sent out this gentleman expressly to interpret the law to the governor general and council. He was then asked, if the opinion given by the advocate general treated the subject as depending solely on the points of law, or in part of state necessity? he said, it took up both grounds; the advocate general's department, as he explained it to us himself, was to defend the rights of the company and government. Mr. Barwell added, that it was once in contemplation to admit the advocate general to a seat at the council board with the council general, so high was the important trust supposed to be with which he was vested. And being asked, if the advocate general and council conceived themselves obliged to consult the advocate general, in points of policy or state necessity, not depending on points of law? said, that he should apprehend not. And being asked, if the advocate general gave it as his opinion, that the governor general and council were warranted in their proceedings in the Cossijurah case, by law, independent of state necessity? he said, that he did not recollect that any of the opinions of the advocate general's, at least those delivered whilst he sat at the council board, go at all to the state necessity. He recollects, that the detriment which would accrue to the revenues, was stated to him, and, indeed, the most minute circumstances that had come before the government, to enable him to give a clear and decided answer to the matter referred to him; and that he even assisted personally at some of the consultations, and the records were open to him. Being asked, what he meant by assisting personally? said, he was present at the council table, and had the advantage of all the conversation that passed on the subject, and an opportunity (only given on very particular occasions) of urging verbally the reasons in support of any of his written opinions. Mr. Barwell added, that these reasons do not appear upon the records, but they naturally may be supposed to have an influence on the council, as they really had. Being then asked, if his sentiments on the subject, on which he has stated to have been over-ruled, were ever delivered into council; he answered, that they are not on record; but that he urged them in conversation at the council table; and that the governor general inclined to the same opinion, that it was better for the zemindars to put in a plea to the jurisdiction of the supreme court; but that it was objected, that this description of men did not come within the jurisdiction, and that if the court had any authority to make them appear to the jurisdiction, they had, in fact, jurisdiction over them. This objection was made in conversation by the company's law officer, and by the other

other gentlemen. Being asked, if Mr. Hastings delivered the opinion to which he inclined in debate? he said, that Mr. Hastings did urge the opinion, that a plea was to be put in to the jurisdiction; and that it was time to oppose any processes of the court at the instant they operated to the prejudice of the revenue; and that in this instance, it could not be until a capias was issued against the Rajah of Cossijurah. And being asked, about what time this conversation passed in council? said, he thinks it happened at the first consultation on the Cossijurah cause, at the time that the opinion of the advocate general was sent to the collector of Midnapore, with instructions from the council to follow it. Your committee then asked Mr. Barwell, if the council general were unanimous in opinion relative to the mode of proceeding in the Cossijurah cause? he said, that their acquiescence was unanimous, to give effect to the law opinion of the advocate general. Your committee observed to Mr. Barwell, that he had said, that the opinion of the advocate general, which over-ruled his opinion, was partly grounded on matter of law, and partly state necessity. He was then asked, whether he thought the state necessity for such acts did really exist? he said, he did not think in the first instance it did exist; and added, that the mere putting in a plea to the jurisdiction, does not require the presence of the person against whom the process of the court issues, nor does it involve the revenue; but if that plea was over-ruled, or if, through ignorance, or by any operation of the law, the party that ought to put in the plea, was to be brought down to Calcutta, in such case, the state necessity must compel the government to resist the process of the court, or submit to a certain loss in the revenue. He was then asked, if in his opinion, when these acts of resistance were ordered upon the advocate general's opinion, no such state necessity existed? he answered, no state necessity certainly did exist at the time; notice or public proclamation was made of a certain description of men, not being subject to the jurisdiction—he believed that proclamation went no farther than mere information to that description of men. Being then asked, if the state necessity existed at the time that orders were sent to Midnapore, and to Lieutenant Colonel Ahmuty? he said, that it certainly did exist in that stage of the business, because writs of capias and sequestration had been issued by the court against the Rajah, and had he been forcibly seized, it would have afforded an excuse to every man dependent on him, and at all connected with the revenue, to have charged a great loss of revenue to the confusion consequent on such an act. Being asked, if a plea to the jurisdiction might not have prevented the issuing the sequestration, and consequently that necessity? he said, it certainly might, because those acts of the court were simply to compel an appearance to the jurisdiction. Mr. Barwell was asked, if that was his opinion at the time? he said, it was his opinion at the time: when the government was committed, by the notice given to all the officers of the revenue and zemindars of the country, in the first instance, it could not afterwards recede, without producing evils of a nature that must have annihilated the authority of the government, by bringing their orders into contempt and disrepute; he added, that the supreme court was obliged to support its own authority: and the governor general and council compelled, circumstanced as it was, to keep up the reputation of its powers throughout the provinces. Being asked, if he recorded that opinion in the council? said, that he does

not know that he did. He was asked, if the council general encouraged the Rajah of Cossijurah not to plead to the jurisdiction? said that the council general directed the opinion of the law officer to be given to him, and the general notice that was issued to all the zemindars, was properly an encouragement to resist the jurisdiction. Being asked, if the Rajah of Cossijurah had pleaded to the jurisdiction at first, whether many of the subsequent mischiefs might not have been prevented? answered, they certainly might, for the processes of the court were to compel appearance. Being asked, at what time the capias originally issued against the Rajah? said, the first process issued a little before that period of time when the advocate general was consulted by the council general, and notice given to the zemindars. Being asked, what would have been the consequences, if the Rajah had not found bail? said, that he would in that case have become the sheriff's prisoner, and been brought to Calcutta, to the great detriment of the revenue. Being asked, if he knew in what sum he was held to bail? said, in a considerable sum, he could not charge his memory with the amount. Being asked, if the Rajah could easily have found such bail? said, that the government on such an occasion must have been bail; and added, that if the Rajah had looked for it elsewhere, it would have been attended with considerable charge. The committee then asked Mr. Barwell, what steps did he take, to get the Rajah to plead to the jurisdiction, in order to prevent the consequences which followed? who said, that he had not taken any steps to influence the Rajah to plead to the jurisdiction; he added, that the line of conduct recommended by the company's law officer, and adopted by the council general, precluded any steps that could possibly be taken to such an end. Being asked, if he thought himself in his capacity as counsellor, as good a judge of what was necessary to the well-being of the state as any lawyer? he answered, that if a long residence, and a long acquaintance with the affairs of Bengal, could be supposed to give him superior information to gentlemen not so long conversant in the interests of the government, he certainly must have supposed himself as well qualified as any lawyer to judge of the well-being of the state. And being asked, whether he thought that the acts of the judges in the case of the Rajah of Cossijurah, were illegal, and an usurpation of jurisdiction? he said, that he thought the judges were authorized under the charter, and that their acts do not properly deserve the epithets, illegal, or an unsurpation of jurisdiction; that he thought they had the power within themselves of moderating their proceedings on such occasions. He added, that this was mere matter of opinion, and possibly he might have fallen into an error, in relation to their power of moderating their proceedings. Being asked by your committee, if he thought it his indispensable duty to give the court every kind of opposition in that affair? he said, that after the government was committed, and notice given to the zemindars, it stood pledged for their protection; and the nature of the proceedings of the supreme judicature, consequent to it, must have materially affected the revenue, if they had operated; he therefore conceived it to be the indispensable duty of government to resist the court: he added, that he did not think it was necessary that the government should have been committed. Your committee then asked Mr. Barwell, what measures he pursued to prevent the government from being committed? he said, that he had already stated, that he had ex-

preſſed his private ſentiments, and that the law officers to whom the company had intruſted the ſupport of their rights, had over-ruled that opinion. Being aſked, if the council general had ever conſulted the judges upon matter of law? ſaid, he could recollect only one inſtance, viz. the convulſion with which the government was threatened by the aſſumption of the place of governor general by Sir John Clavering; at that time he believed the judges were called upon. Being aſked, if they gave an opinion? ſaid, they did. Being asked, whether the council general conſidered it as valid, and acted upon it? he ſaid, the council acted independent of that opinion; and added, that they took it to give weight to the determinations they had previouſly formed, becauſe the members of that council were equally divided, two and two; the governor general and Sir John Clavering being parties.

Your committee then asked Mr. Barwell, whether he would have thought it neceſſary to follow that law advice, if it had not been conſonant to the previous reſolution? who ſaid, the council, that is, the governor and himſelf, againſt Sir John Clavering and Mr. Francis, had no doubt as to the propriety of its proceeding; but as Sir John Clavering held the command in chief of the army, the council thought it incumbent upon them to preclude the poſſibility of a doubt upon the powers they exerciſed: he added, he knew, that had not meaſures been inſtantly taken to ſecure the garriſon of Fort William, and to have guarded the officer commanding in it, that an order would have been iſſued by General Clavering (which was already penned) to have taken the command of that garriſon from the governor general—That had the opinion of the judges been againſt the ſentiments he entertained as to the legal powers of what he deemed the majority of the council, that he certainly would have followed that opinion, through conviction that it would have been his duty. Being asked, whether he conſidered the judges as competent by law to decide upon a plea to their own juriſdiction? ſaid, he thought the charter expreſſly directs that they ſhall decide that queſtion—That his opinion as to their competency is founded merely on the charter. Being aſked, whether Sir John Day, in the opinion he had given, declared, that the oppoſition which he adviſed to the proceſs of the court, was in itſelf ſtrictly legal, even though the judges had exceeded the powers given them by the charter? ſaid, he could not ſpeak ſo pointedly to the opinions of Sir John Day, as they are expreſſed upon the records of the company—The firſt opinion on this ſubject, is, he believes, limited to a declaration, that a certain deſcription of men are not the objects of the juriſdiction, and that it depends on them to reſiſt it; it does not adviſe the council to the reſiſtance, but it commits the council, by the notice the council iſſued upon it. In the next opinion, when the court of judicature proceeded to enforce its proceſs upon the ſtate of facts at that time, he approved the reſiſtance in the council, and the manner in which it ought to be made—The firſt opinion was declared by Sir John Day to be ſtrictly legal; the ſecond, he thinks, was not ſo; it was upon the ſtate neceſſity. Being aſked, if Sir John Day had argued that point of juriſdiction before the judges, and they had over-ruled his plea, and affirmed their juriſdiction, would he not have thought himſelf bound, as a counſellor and a ſervant of the company, to acquieſce in that determination, until the matter ſhould have been decided by the king and council upon appeal? ſaid, he ſhould certainly have acquieſced, and propoſed an appeal. Being aſked, if he moved

in council, that Sir John Day, advocate general, should support the Rajah of Cossijurah's plea to the jurisdiction? said, he did not move it; that such plea was precluded by the notice issued by the council, with the advice of Sir John Day. Being asked, if he approved the issuing of that notice? said, he had already answered this question. Being asked, when Sir John Day gave his first opinion, which was confined to matter of law merely, he proposed the matter of law should be pleaded to the jurisdiction? said, he did not; the very advice precluded the plea to the jurisdiction. Being asked, if he advised the re-consideration of that part of the opinion that seems to recommend resistance rather than a legal plea? said, he did not; the law officer appointed by the company had declared the law, and pointed out the line of conduct for government. Being asked, whether it was his opinion, that the judges, in claiming such jurisdiction, had exceeded their legal powers before this opinion of the advocate general was given? said, as he understood the charter of justice, every native falls within the jurisdiction of that court, so far as to be cited; and that it depends on the judges of the court, to declare whether they are objects or not objects of the jurisdiction. The committee then observed to Mr. Barwell, that this being his opinion, and the opinion also of the judges, did he not think that they were in Bengal the last resort and final judges in all matters of law? said, he certainly did; but the directors of the company having sent out a gentleman for the express purpose of supporting their rights, and the rights of government, it was incumbent on the government of that country to support and assist that law officer to the utmost of its means; his opinions had been invariable, until the instant Sir John Day declared, that a certain description of men might resist the process of the court, though in contradiction to the public declared opinion of the judges, because it advises the counsel to contest that claim advanced by the judges, and must naturally force a decision from this country. Being asked, whether that decision might not have been obtained by a plea and appeal, without force? said, in his apprehensions it might, though possibly not so instantaneously and directly. Being asked, if he had preferred the method of force on account of the certainty and promptitude of decision? said, he did not give that preference; he acquiesced simply in the advice of the law officer, and the preference, if any, must be imputed to him, and the gentlemen of the council of the same opinion. Being asked, if having committed any act contrary to the declared opinion of a legal and competent court of justice, he could be justified in law by having followed the opinion of any lawyer whatsoever? said, that if any community of men entrusted any particular interests to an individual, and he acted under the orders of that community, he thought it a sufficient plea to exonerate him from the consequences of following that person; and the community who appointed him, in justice and honour are bound to bear him harmless. Being asked, if they could do so in a criminal process? he said, they undoubtedly could not. Being asked, at whose desire an attorney general was appointed? said, that the application, in the first instance, was from Sir John Clavering, Mr. Monson, and Mr. Francis; it was afterwards recommended by the council at large to the court of directors. Being asked, if the court of directors instructed the governor general and council to follow the opinion of the advocate general against the decisions of the supreme court? said, No, it would have been an absurdity; the East India

India Company are equally bound by those decisions with the other members of the community. Being asked, if the act of parliament and charter of justice did not order all the civil and military powers of the company to be aiding in the execution of the process of the supreme court? said, he hoped the committee would allow him, in reply to this question, to refer to the charter of justice, p. 39, which directs obedience in all things to the supreme court of judicature at Fort William in Bengal, to all persons belonging to the liege subjects of the crown, as they will answer to the contrary at their peril. Being asked, if Cossinaut Baboo was denied justice by the governor general and council in the proceedings between him and the Rajah Soondernarain? said, he was not denied justice; the cause was under examination; and it was upon some doubts and proofs demanded of the debt stated against the Rajah, beyond the notes and signed papers produced, that he left the council, and made his application to the supreme court. Being asked, how long the cause had been under examination before the governor general and council? said, five or six months. Being asked, if Mr. Pearce, collector at Midnapore, was charged, in any of the proceedings of this cause, with corruption? said, he believed not; Cossinaut, he thinks, in one of his petitions, has either obliquely hinted that he was partial to the Rajah, or he heard him affirm this at the council board, upon the statement of an account that was received from Midnapore, stating the produce of the Rajah's estate whilst he was a minor, the revenues he had paid into the public treasury, and the balance remaining. Being asked, if there appeared to him any sufficient reason for suspecting Mr. Pearce of any such partiality? said, not in the least.

George Vansittart Esq. being then examined, informed your committee, that he had resided fifteen years in India, from 1761 to 1776—That he had been in the company's service—That he was in the council of Calculta—That he was chief of Midnapore from 1767 to 1770—That the revenues arising from the district of the Rajah of Cossijurah, formed a part of his collections—That the Rajah was the most considerable landholder in that district, his revenue being more than double that of any other zemindar, and that he was always treated with a great deal of respect. Then being asked, in what manner any balances of revenue that might be due in the Rajah of Cossijurah's district were collected? said, that there never was any balance due in that district, during the time he was at Midnapore, the Rajah having paid his revenue punctually, according to his engagements. The witness farther said, that the amount of the annual revenue of the Rajah was one hundred and eighty thousand Sicca rupees, or about twenty thousand pounds a year. The witness being asked, what is the extent of the district of Midnapore? said, about the size of Yorkshire, including the mountainous district. Being asked, whether there were many zemindars of considerable property in the Midnapore district? said, that the zemindaries in that district are in general very small—That, excepting those of Cossijurah, Midnapore, and Minochouda, he believes none amounting to fifty thousand rupees—That there are some so small as one thousand, and these are called talookdars. Being asked, whether, before the English became possessed of the Dewannee, by treaty with the Great Mogul, the zemindars were considered as the servants or officers of those exercising that jurisdiction? the witness answered, not as servants or officers, but landholders, who paid them their stated rents—that when the revenue jurisdiction

was

was ceded to the English, they were not understood to be thereby invested with any other power or authority than what usually accompanied such jurisdiction. Being asked, whether the capital Rajahs of the country were not formerly considered as subordinate princes, who exercised justice, and maintained armies? The witness said, many of them may certainly have been considered as tributary princes; the government very little interfered with them in the management of their districts. He farther said, that it was not usual, in the time of the Mahomedan government, to arrest the persons, break into the houses, and seize upon the goods of such Rajahs, in ordinary process for debt; nor was it usual in the intermediate space of time, between the cessation of the Mahomedan government, and the arrival of the judges in Bengal. That it was usual for parties, accomptants to the revenue, to have their accounts liquidated by the chiefs or residents appointed by the governor and council, in the various districts of the country—That in the district of Midnapore, the first jurisdiction was that of the resident; and that if the party was dissatisfied with his decision, he might apply to a gentleman of the Calcutta council, who had the office of collector general; and that, if still dissatisfied, he might apply to the governor and council at large in their revenue department, who held a court competent finally to adjust and to decree payment of the balances that should appear due. The witness being asked, whether he was conversant in the mode of money dealing in that country? said, he never made it his particular study, but has only that information he acquired in his business—That it is very much the practice for the zemindars, talookdars, and ryots, to borrow money for the annual charges attending their several concerns—That most of them have debts of an old standing, to a very large amount—That money is advanced to them by the shroffs, at interest, and that twenty-four per cent, per annum is reckoned a moderate interest—That if English process was immediately issued for the compulsory payment of all those debts, upon the principles upon which debts are recovered in England, the witness believes almost every zemindar in the country would be imprisoned, the ryots would be dispersed, and the company would not receive a fourth part of their present revenue—That it has been considered as a part of policy and justice to secure the payment of the rents to the company, before the debts to individuals are suffered to affect the land or goods; and that this was the practice before the cession of the Dewannee to the company, as well as since—that the government always gave every assistance in their power to the recovery of private debts, consistent with the security of the revenue; but as it would often happen, that private debts could not be recovered, without a loss to the public revenue, difficulties would of course arise; and as to the debts of very old standing, they have generally been held as desperate, and, indeed, have been discountenanced, and considered to arise from usury, and scarcely allowed to be just demands. Then being asked, whether the same policy had been observed in respect to the balances of revenue, and the debts due by the zemindars to government remitted to them? the witness said, where there has been a conviction of the inability of a zemindar to pay his arrears, it has frequently been done, from an apprehension that any severity would tend only to discourage him from the cultivation of his lands—That on the frontiers of the provinces, particular instances have occurred, where zemindars, pressed for the payment of their

balances

balances, have fled the country; and on the appointment of a collector to demand the rents immediately from the ryots, many of these, as they are in general attached to their zemindars, have followed their zemindar, and made hostile incursions on the remaining inhabitants; and that the district has, in consequence, so far gone to ruin, that the government has been obliged to enter into a negotiation with the old zemindar, and to receive him back on almost his own terms, to prevent the total desolation of the district. The witness farther adds, that he thinks indiscriminate execution issued for private debts would produce the same effect—That before the appointment of the supervisors and collectors in 1770, the revenue accounts were settled, in the first instance, in the Bengal province, by the Dewan Mahomed Reza Cawn, with the approbation of the resident at the Durbar; and in the Bahar province, by the Dewan Sitta Broy, with the approbation of the chief of Patna—That this description relates to all the country, except the ceded lands, that is, Burdwan, Midnapore, Chittagong, and the Calcutta pergunnahs—That causes of private property, not relating to the revenue, were tried in the first instance, during the same period, in the same manner as revenue disputes, but a reference was always made to persons conversant in the customs and laws of the Mahomedans and Gentoos, according to the nature of the cause in question, who decided by the laws and customs of the Mahomedans where they were concerned, and by those of the Gentoos where they were concerned—That those laws were materially different from the English law—That neither the parties nor juges could be supposed to be acquainted with the English law. Then the witness being asked, what method was followed by the creditor of a principal Rajah, for recovering his money, before the Dewannee was ceded to the company? Informed your committee, that the person who lent his money to the Rajah must have trusted to the Rajah's honour, knowing that there was no jurisdiction which would inforce the payment by any violent process. Being asked, whether, before the arrival of the judges in Bengal, there was not a large trade carried on in all parts of the country, much money dealing, and much credit given? The witness answered, there certainly was.

Your committee then examined Charles William Boughton Rouse, Esq. a member of your committee: who being asked, whether under the Mogul government a zemindar was considered as a collector of revenue, and a servant of the state, or as a landholder? informed your committee, that he is not quite certain about the first origin of zemindars; but he is very certain, that ever since the subjection of Bengal to the Mogul government, they have geen considered as the hereditary landholders of the country—That in Bengal they are mostly Gentoos, very few Mahomedans—That a Mahomedan may become zemindar by purchase—That in the province af Bahar he believes there are many Mahomedan zemindars. Then being asked, if those zemindaries were considered as subject to sale for debt, without the consent of government? he said, most certainly not; that some have been sold since (after the company became possessed of the Dewannee) by order of the governor general and council, for deficiencies of the public revenue, but that the government has always been very tender of coming to that extremity—That the districts of Cherolea and Mudode were sold in 1776, and the new purchaser confirmed in possession by an instrument of the governor, called a sun-

nud; but ſuch was the attachment of the inhabitants to their old zemindar, that they revolted againſt the new purchaſer, who was not eſtabliſhed in poſſeſſion but by a military force; and a great difficiency was occaſioned in the revenue of thoſe diſtricts. Then being aſked, whether ſince the late letting the farms in 1772, upon advanced rents, the quality of the zemindars has been ſo far altered as to make them conſidered as officers of revenue, and ſervants of government? The witneſs replied, that he thinks not in any reſpect; that beſides, at the expiration of that farming term of five years, government ſaw the expediency of reſtoring the lands to the poſſeſſion of the ancient zemindars, rather than entruſt them with temporary tenants; and that, in the ſettlement made for the Dacca province, in October 1777, the provincial council, (of which the witneſs had the honour to be chief) have this paragraph in their letter to the governor general and council, "We have the pleaſure to remark, that in the end not one ſingle pergunnah was given in farm."—That it was always his opinion, that the deprivation of the ancient zemindars was both impolitic and injuſt—That the number of zemindars in the Dacca province, who pay the revenue immediately to government, muſt be about four hundred, ſome great, ſome ſmall, the largeſt of them not paying a revenue of above twenty thouſand pounds a year—That the capital zemindars in the Dacca province and other provinces he is acquainted with, are conſidered as men of rank—That they are very much reſpected throughout the country; that obedience is paid to their power and influence; and that the attachment of the inhabitants to their zemindar amounts almoſt to devotion—That in reſpect to the powers they exerciſe, the patent of confirmation which is given to every zemindar, under the authority of the Nazim or Mogul's viceroy, and Dewan or Mogul's receiver general, deſcribes their functions, and gives them a very conſiderable juriſdiction; and that it was under the ſanction of that patent, that the Engliſh company exerciſed civil and criminal juriſdiction in that country, previous to the inſtitution of the ſupreme court of judicature; and that the criminal court which they held before the acquiſition of the Dewannee, was called the zemindary court—That the witneſs believes this ſyſtem has prevailed throughout the Mogul empire ever ſince the reign of Akbar, very near two hundred years ago, who formed a ſyſtem of regulations which have been much reſpected ever ſince. Being aſked, whether the zemindars are looked upon by the people who live under them as their natural hereditary protectors, connected with them in blood and manners, or a ſet of people acting as mere ſervants of government, who they think want the interpoſition of a ſtrong power to prevent their oppreſſions? The witneſs anſwered, that the inhabitants are generally diſſatisfied, if a ſervant of government is ſent to ſuperſede the power of the zemindar; and he does not think the zemindars in general incline to oppreſs their huſbandmen, but rather to compromiſe difficulties with them, and protect them—That he does not conſider zemindars as collectors of the revenue for government, or in any reſpect as ſervants of the company, but rather as hereditary proprietors, paying a fixed tribute to governement; that they are conſidered as the natural nobility and gentry of the country; but that the rules of that government give them more power than our conſtitution can give to perſons of equal rank and property here. Being aſked, when the zemindary courts ceaſed in Calcutta? the witneſs ſaid, a new arrangement for all Bengal was formed in the year 1772; the particulars of which, with the deſcription of all courts, and definition of all their

 powers,

powers, are entered at large in the Seventh Report of the Committee of Secresy; and that plan continued to prevail in Calcutta until it was superseded by the arrival of his Majesty's judges, and that the court of zemindary continued there till 1772. Being asked, whether the civil and criminal zemindary courts existed under the Mayor's court? the witness said, that down to the year 1772, an absolute jurisdiction was exercised within the district of Calcutta over the natives, in a civil court, called the court of Cutchery; and in a criminal court, called the zemindary—That after 1772, similar courts were formed, under the the title of Dewannee Adaulut, and Phousdary Adaulut. Then being asked, what was the difference in the menagement of the company in the collection of their revenues from the respective zemindaries, before the regulation in 1777, as to the appointment of collectors or zemindars? the witness informed your commitee, that he does not conceive that the word "appointment" can, in the most distant degree, apply to zemindars; the principal alteration which took place, at least in the Dacca district, which comes most within his knowledge, was in reinstating zemindars who had before been dispossessed. Being asked, what was the difference in the collection of the revenues between a collector and zemindar? he answered, that the collections are made from the same sources by both; but with regard to individuals, there is this difference, that the collector receives a stipulated salary, and is liable only for what he can collect; whereas the zemindar collects from his own proprietary land, and is liable for the established revenue, whether he collects it or not. Being asked, whether they are not both removeable by, and accountable to the company? the witness said, the power of the collector necessarily ceases when his service is performed; the possession of the zemindar is permanent, and he is not held liable to removal, but for great deficiencies of rent, according to regulations which have formely been established; and, as he has already informed the committee, the governor general and council (for no subordinate authority has the power to do it) are very tender of proceeding to the extremity of depriving a zemindar of his hereditary zemindary. Being asked, whether in the zemindaries where there are collectors of the revenue, these collectors are treated with more or less respect than the zemindars? he said, if the question means to apply to English collectors, those persons are considered as the immediate servants of government; but this authority does not supersede that of the zemindars—That the English collectors receive the rents of the company, as Dewan from the zemindars themselves, without any interference with the cultivators or under-tenants—That natives are sometimes sent to take charge of the lands of a zemindar, for default of payment, and they are naturally respected as servants of government must be; but that this respect to them proceeds from fear, and not from attachment. Being asked, whether the son or heir of a zemindar could be refused admission to the succession of the zemindary, by the Mogul or the officers of his government? he said, whilst he was in Bengal, he made much enquiry into this subject, as being of the highest importance to the security of property, the nature of landed tenures in Bengal, and the equitable government of that country; and according to the best information he could ever derive from books, or from conversation with the most intelligent natives, he has the strongest reason to believe, that zemindaries were always considered under the Mogul government, except in time of anarchy and usurpation, to be an hereditary property, which it would have been re-

garded as act of tyranny in the ſovereign to infringe, unleſs for default of the poſſeſſor in paying the ſtipulated revenue, or for rebellion, or ſome atrocious culpability—He has been informed, that the heir of a zemindar might have applied to the court of juſtice, compoſed of the cauzee and muffiees, or to the Dewannee officers, for a deciſion upon his title to the ſucceſſion, if diſputed by another claimant; and that even the Emperor Aurungzebe was known to purchaſe zemindary lands from the hereditary zemindars. In a variety of caſes, which he has known referred to Mahomedan or Hindoo lawyers, the right of a ſon or heir to ſucceed to the poſſeſſion of a zemindary, has never been brought into doubt. Moreover, he had ſeen opinions of Mahomed Reza Cawn, now Naib Subah of Bengal, and of the late Rajah Shitabroy, both of them very able men, and long verſed in the affairs of the Indoſtan government, and the latter brought up at Delhi in the ſervice of Mahomed Shah's miniſters: which ſay moſt deciſively, that the ſon of a zemindar has a right to ſucceed his father in the poſſeſſion, even independently of any ſunnud (patent) from the government. However, it has been uſual to obtain one from the government, in order to confirm the title of the new poſſeſſor, and to have it entered in the public records; by which his authority over the lands is more completely eſtabliſhed. The patent likewiſe authoriſed the zemindar to ſuperintend the internal police of his diſtrict, and to bring juſtice home to the people, who ſaw it adminiſtered by men holding a permanent intereſt in the proſperity of the country; this was the more neceſſary, when the claimant was heir in a collateral line, or in a more diſtant degree to the laſt poſſeſſor: upon theſe occaſion, certain fines were paid to government, and fees to the public officers; this payment is ſtill continued in Bengal, but is rendered very moderate by the regulations of our government; indeed, were it not ſo, the zemindars in general would not be able to pay it under the inhanced and unſettled rent to which their lands have been ſubjected by the Engliſh government, and in ſome periods under that of the revolted Nabobs, who preceded the Engliſh; a ſyſtem which an attentive conſideration of the ſubject has induced him to think unjuſt in its principles, pernicious in its conſequences, and not productive in the application. He has ſeen opinions ſimilar to thoſe he has already mentioned, from the Roy Royan, who was the chief ſuperintending officer of the khalſa or exchequer, of the pundits or interpreters of the ancient Hindoo laws, and of the Canougoos, who formerly held their appointment from the emperors, and had their deputies in every ſubordinate diſtrict to expound the uſages of the country (as the term of Canongoo implies) and to authenticate and record all conveyances and transfers of landed property. They ſay, that a zemindary devolves to the ſon or heir of a zemindar, and although the country belongs to the King, and he may indeed give it to whom he pleaſes, yet that is neither conformable to juſtice nor to the cuſtom of the country, that he ſhould join it to any other than the lawful heir, either male and female.

Edward Baber, Eſq. being examined, informed your committee, that he had reſided in Bengal upwards of 17 years; that he left it in January, 1780; that he was in the company's employment ſirſt, as reſident in Midnapore, and afterwards as chief at Muxadabad; that the collections of Coſſijurah were under his direction, as reſident of Midnapore; that the amount of the revenue actually paid by the Rajah of Coſſijurah was, he believes, between 15 and 20,000 pounds per annum: that he was the principal zemindar of the diſtrict;

district; that he was treated by the witness with that respect that was due to a person of his rank and consequence; that he was considered by the natives in general as a man of superior rank; that he was looked up to with respect, and treated with deference; that he was of a high cast of Hindoos, either a Bramin or a Cuttry, which is the next cast to a Bramin; that he believes the zemindary has been a long time in his family: that he lives in a state of grandeur. Being asked, what effect he conceives the serving a writ by process of the supreme court upon such a zemindar would have upon his ryots, or sub-tenants? he said, that the effects would be various; that he should think they would, in the first instance, be impressed with surprise and horror at seeing a person whom they have always been taught to respect and obey, treated in a manner which to them would appear an indignity; that he should also conceive it would tend to lessen that respect and obedience which they have been accustomed always to pay to their zemindar, for they consider him in the light of a superior, who has a sovereign authority over them. Being asked, what effect the compulsive absence of a zemindar would have upon his zemindary? he said, it would depend upon circumstances—if it were a sudden and compulsive requisition, at the critical time of the collections, it certainly would have a bad effect; and if it were at the instance of his sub-tenants or his collectors, it would have a still worse effect, by impeding the collections; that, in the instances above alluded to, the revenue of the company would certainly be injured by the absence of the zemindar. Being asked, whether the plea of the sufferings of the zemindar in person or property, if obliged to attend the summons of the supreme court, would be heard in mitigation of arrears due by him to the gorvernor general and council? he said, he should imagine not. Being asked, in what manner process would be served upon a zemindar under the government, as established before the arrival of the judges? he said, it would depend upon the circumstances of the cause, whether criminal or civil, or whether it was a point relative to the collections; and in all these cases, the necessity of his presence would be considered; because, if it related to the collections, his deputy would attend; so in case of debt; but in criminal matters the zemindar would be ordered to attend himself, and then a perwannah would be issued, requiring his personal attendance; but in this case respect would be paid to his rank and station, for it would not be sent by a common messenger, but by a choubdar; that if he disobeyed this perwannah, a more peremptory summons would be sent, and the consequences of his neglect particularly represented to him; instead of one choubdar, more would be sent, and he would be threatened with compulsive measures; which, if he continued to resist, his house would be surrounded, and he would be prevented from performing his ablutions; and if he came out, his person would be seized, but if he took refuge in the temples, or zenana, particular care is taken not to violate those places. Then being asked, whether zemindars were liable to personal process from private claims? the witness informed your committee, that this point was agitated by the governor and council about 1773, and several questions proposed by the board, in which this mode of process was particularly defined, and regulations framed for the guidance of the provincial councils. Then being asked, whether farmers of lands under the company are considered in Bengal as mere collectors of revenue would be considered in England? he answered, that in order to afford the committee a satisfactory answer to this question, it

will

will be necessary to give more than a bare negative, and to add an explanation of the tenures in Bengal, for a parallel can scarcely be drawn between a mere collector of a revenue which arises from taxes on various articles, and a proprietor or farmer of land, where the revenue is paid from the produce of that land. A zemindar and landholder in Bengal hath an hereditary right to the district of which he is a kind of feudal lord; a certain proportion of the produce of his lands, which proportion was fixed by the nabob, who, to carry on the allusion, was the lord paramout, was stipulated to be paid by the zemindars in fixed monthly payments; this settlement was annual, and the sum so fixed was the revenue of government, all above belonging of course to the zemindar; when he had made his agreement with government, he had then to make his own with the riots or tenants; some parts of his lands he might perhaps let to responsible people, and others he would hold in his own hands, and appoint his own collectors; but in both instances, the zemindar had a judicial authority; and to his court and cutchery appeals were made, and complaints were lodged, if either the farmers, or his own collectors, oppressed the tenants by exactions, or if there were litigated accounts; on this judicial authority was built the foundation of that power, which was to enable him to enforce his collections; and consequently it met with every reasonable support from that government, which was to look to those collections for its revenues. This is a very summary and general account of the mode of settlement in the nabob's government. In some of the districts which were ceded by the nabob Cossim Ali Cawn, the governor and council adopted the mode of farming, and also of letting the lands on longer leases, to the zemindars themselves, instead of the annual settlements; however, in most parts of Bengal, Bahar, and Orissa, and I believe, if I except Burdwan and the Calcutta pergunnahs, I may say in all parts, the usual custom obtains, of making settlements with the zemindars; but then they have been lately made for five years instead of one, and in Bahar for life. The zemindar, in many respects, resembles a feudal lord; on the birth or marriage of the eldest son, he was complimented by a contribution from his tenants, or rather vassals, for they resemble them much more; if he went on a pilgrimage to Jaggernaut or Benares (places of worship) they contributed to the expence of his journey; if he travelled in his own districts, his table, and that of his retinue, was furnished by them; they received him with the utmost respect and deference; and when they have occasion to address or accost him, they do it in the humblest terms, and in the most suppliant manner; they obey his summons, and attend his standard on any emergency of danger: he can oblige them to make public roads, or repair dykes; he is answerable for all robberies committed in his districts, and consequently the regulation of the police partly belongs to him: in short, though a tributary himself to the nabob, he was in most points the lord of his own district, and treated as a sovereign prince by his tenants or vassals, who are taught from their infancy to owe him fealty, respect his commands, and obey his authority. Government had a power to suspend the zemindar's authority over the collections of his lands, in cases of mismanagement, and there have been instances in which it hath been exercised, and the whole district let out to farm; but in such a case, and indeed in all cases where a farm is granted by the company, the farmer stands precisely in the situation of a zemindar, as far as regards the management of the collections; he appoints his

his own collectors; he holds his court of cutchery, to which complaints are preferred, and in which litigated accounts are settled; he regulates the police, and is responsible for all robberies committed in his farm, if he does not apprehend the thief: he can use certain compulsive measures, from his own authority, to oblige his tenants to pay their rents, if they are in arrear: he enters into an agreement with the company in their capacity of the King of Delhi's dewan, for the performance of these duties, and they enter into one with him, granting him the lands, and these privileges, for a limited time; whilst he performs the terms of this agreement, he is totally independent of the company, free to act as he pleases, nor have they the smallest right to interfere with or controul his conduct. There is a mutual obligation, whereby the contracting parties are bound to the performance of certain articles; but this mutual obligation by no means implies the idea of master and servant, nor can it bring the farmer to the situation of a mere collector of revenue in England, who is a servant appointed by government for the simple purpose of receiving taxes on certain articles, for which service they pay him wages, and can dismiss him at pleasure. Being asked, whether any attention was paid by the country courts to the seasons of the year, with regard to issuing perwannahs? the witness said, that during the time of harvest, the process of court was suspended; and that in the country government it was carried still farther, for at a particular season regular perwannahs were issued, declaring the suspension, and forbidding complaints to be instituted during that season. Then being asked, whether the accounts of the securities of zemindars were not liquidated and adjusted by the revenue department? he said, they were, upon any disputed account betwixt zemindars and their collectors, or ryots, or their securities: that the mode is by petition to the chief and council of the district in which they arise, who generally adjust them; but if it is of sufficient consequence, the provincial council refer it to the governor general and council at Calcutta, in their revenue department, who decide finally. Being asked, whether, in case of oppressions committed by government's collectors, or by zemindars or farmers, the establishment of country courts affords the means of redress to the oppressed; and if any, of what nature? he said, the regulations of the governor and council have amply provided for redress in cases of this kind. Then being asked, whether under each provincial dewan there are public officers, whose particular duty it is to scrutinize and adjust contested accounts between zemindars and the cultivator; and if there are, by what titles they are called? he said, that the dewan is an officer under the provincial council, and that there are officers under him, for the adjustment of accounts; that the aumeen is the officer; that they were nominated by the provincial council, and approved by the governor general and council. Then being asked, whether, if a native collector or zemindar commits personal cruelty upon the riots, he is liable to prosecution in the criminal courts of the country government? he said, this is also provided for by the regulations of the governor and council above alluded to; that if it be a criminal case, it is referred to the court of phousdary. Being asked, from whom do the judges of the court of phousdary receive their appointment? the witness said, that the Naib Soubah receives his appointment from the nabob, and all other officers from the Naib Soubah. Being asked, by what laws the country courts administer justice between natives, civil and criminal? he said, between Mahomedans, by the Mahomedan law; and between Hindoos, by the Hindoo law.

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Being asked, whether, as chief of Muxadabad, the country of the Rannee of Radshi was not under his jurisdiction? he said, it was, and that the annual amount of the revenue she paid to government, was between 220 and 250,000l. That she did not conduct the public business of that tract herself, but it was transacted by her agents; that she never appeared in public; that he never saw the places of her residence; that she lives in great state; that she is a Bramin. Being asked, if he knew of any process served against her in the country courts, and what was the mode of serving it? he said, the customary one, through the vakeels or agents. Being asked, in what light he thinks the people of her country would consider a personal process served on her by a serjeant of the supreme court of judicature? he answered, he cannot possibly say in what manner their idea of the power of the supreme court might operate, but he should think they would resist such a process, as much as an attempt upon her life. And being asked, whether he is acquainted with the money transactions of the country? he said, that in the course of business they have come before him. Being asked, whether the landed people, from the highest to the lowest, are not in debt to the monied people at some period of the year? he said, he believes they are, and for this reason, that their payments of revenue are by monthly instalments; that of course there are seasons of the year when they are not furnished with money from the sale of their crops, and therefore borrow it of their shroffs. Being asked, what would be the consequence of making the collection of the revenue attend the gathering in and sale of the crop? he said, that he has frequently heard from the most experienced men in the country, that if the revenues were not to be collected by monthly instalments, it would not be possible to collect them at all. Being asked, whether that depends upon the uncertain time of the sale of the crop, or what other cause? he said, that he cannot particularly reply to the cause, but he believes that much depends on the disposition of the people. Being asked, whether there is not a money security generally given by the zemindar to the public, at the time of letting him the lands, and whether that security has not some advantage from the transaction? he said, there have been such securities given, and he supposes they have some advantages; that besides those debts created for short terms upon the crops, most of the landholders are indebted considerably to the money dealers. Being farther asked, what would be the effect upon the landed interest of that country, if all the money dealers were suddenly permitted to use the rigor of English process and execution, to exact the payment of those debts? he said, he believed it would dispossess all the principal landholders, and of course stop the collections. Being asked, whether it is not common in that country, after some delay, to add the interest to the principal, and making a new capital, both bearing interest? he answered, that it was the custom of the country, but it had been strictly forbidden and provided against in the regulations he alluded to in his former evidence. Being asked, what interest it is usual to take in that country? he said, by the regulations 24 per cent. is limited, but he believes it may be often exceeded according to the exigency of the borrower; but they cannot sue for it in the country courts if it exceeded 24 per cent. for if they take more, the lender forfeits the capital; but that the collusion of parties does not make it easy to detect such practices, and that he thinks the custom has not been so much in use since the regulation. Being asked, if there are not many old debts (formed in that manner) still

ftill exifting, and in which the difference between the original capital and the fuperadded intereft will be very difficult to be afcertained? he faid, he believes there are. The witnefs having faid, that the effect of Englifh procefs and execution would be generally ruinous to the landholders; and being asked, what would be more favourable in the ordinary procefs of the country courts? faid, that the manner of proceeding is more lenient; inftead of iffuing a capias, they apply to their vakeel or agent; they enquire of him the nature of the debt, and of the circumftances attending it; they do not think of going into a peremptory procefs, but do all they can to accommodate the difpute; they give the vakeel time to write to his principal, and receive his explanation. If, after all, the complaint comes before the court, it is contented with the attendance of the vakeel without bail; and unlefs the cafe is of a very particular nature, they never require the attendance of the zemindar; and the confinement of the vakeel is frequently fubftituted for that of his principal; and fome months of the year, zemindars are excufed from all procefs of the court; and fuppofing a decree to be given againft the zemindar, his lands could neither be fequeftered nor fold, without a full explanation of the caufe and time of the debt being incurred, and every circumftance being clearly reprefented to the governor general and council, and their previous fanction obtained: the governor general and council in their regulations have ftrongly recommended, in all cafes of the kind, a particular attention to be paid to the fituation of the zemindars, as perfons from whom government was to receive its revenues, fo that juftice might be adminiftered, and the public intereft not be affected by it. The witnefs farther fays, that he has not heard that the monied men have complained of the want of a more vigorous and effectual means for the recovery of their debts; that the want of thofe means has not been felt as a general grievance in the country. And being asked, whether the ufe of fuch means would not contribute to lower the rate of intereft in Bengal? faid, he thinks the regulations as at prefent eftablifhed would be fully anfwerable to that purpofe. And being asked, whether if Englifh procefs and law, civil and criminal, was to pervade thofe provinces, the refidence of one or more Englifh attornies would not be neceffary in moft of the towns? he faid, he fhould think that one muft be the confequence of the other. Being asked, whether, befides the ftipend paid by the company to the cauzees and muftees of the provincial courts, they have any private practice? he faid, they have, and, in general, deeds are not valid without their atteftation; befides which, they act as regifters and notaries public; that the cauzees and muftees are confidered as men of learning and knowledge in the Mahomedan laws; that they are not confidered as corrupt and venal. Being asked, whether the chiefs and members of the provincial council in general underftand the language of the country? he faid, he knew it was the cafe in the council he had the honour to prefide in, and he believes it was fo in general. Being asked, after how many years fervice a fervant of the company can attain a feat in the provincial council? he faid, it is not limited to a certain time, but he believes there are few inftances in which it has happened under 9 or 10 years; fuppofing him to be a writer of 17 years of age upon his arrival in the country, he will be 25 or 26 when he arrives to that ftation.

William Lufhington, Efq. being then examined, informed your committee, that he refided ten years in India, in the fervice of the company, and was

collector of Hougly; that part of the districts over which he presided, were in the Bengal province, and part in Orissa; that he had several zemindars under his authority, who did not exercise any jurisdiction over the inhabitants of his district; that the ryots or inhabitants of the land entertain a very great respect for the zemindar; who, in the absence of the representative of government, is understood to be invested with the care of the district; that the representative of government is in most cases the person who has undertaken the farm of the district, and generally is invested with the administration of the judicial power, that in most cases a reserve is made to the zemindar of certain lands lying near to his place of residence, which are called household farms; that there are also some other trifling articles of the public collection, which seem to have been instituted as a particular compliment to the zemindar, and are reserved to him; that before the English collectors were sent into the respective districts, the zemindar, when farmer, exercised civil and criminal jurisdiction, subject to the superior authority of the district. The witness being then asked, in whom the supreme judicature of the district of Midnapore was vested, before the arrival of the English collectors, and by what authority the civil and criminal judges were appointed? informed your committee, that to answer this question completely it is necessary to go back to the time when King Akbar reduced the province of Bengal to the efficient government of the Great Mogul; that to controul this subordinate province with more effect, Akbar divided the powers of government; that the administration of the criminal jurisdiction, the military establishment, and the conduct of political affairs, were placed under the direction of an officer, intituled Nazim; that the revenue jurisdiction, and the power of determining upon all civil causes, were confided to another civil officer, called Dewan; that the two departments were respectively independent; that provision was made for the expences of the Nazim, by orders from Delhi, upon the Dewan; and positive directions were given not to exceed their orders, but in cases of great emergency. The civil jurisdiction of Bengal was exercised by officers appointed from the respective superior departments at Moorshedabad; that this was the wise plan of provincial government, marked out and pursued with effect by Akbar; but the vigour of government declining under his successors, the Nazim of Bengal availed himself of the distant situation of that province from the seat of government, and gradually assumed to himself a state of independence; but the revolution made no alteration in the forms of government; that the office of Dewan continued in possession of all its powers over the revenue and civil jurisdiction of the country, with this difference only, that he necessarily became accountable to the actual government; that the distribution of the executive powers of government, described as above, has prevailed ever since; and that when the witness left Bengal in 1773, the provincial officers for criminal and civil jurisdiction received their appointments from the office of Nazim, and that of Dewan in Calcutta. The witness being then asked, whether any appeal lay from the determinations of the Phousdar and Dewan of the district, and to whom? said, there were appeals to the respective supreme departments at Moorshedabad, the metropolis; but that there were no prescribed modes for making such appeal; that if the Phousdar sentenced a man to death, he could not execute it without the approbation of the Nazim; that the Nazim should preside in the supreme courts, but delegates his authority to the Naib Nazim; that the Dewan presides

sides in the other department; and that their sentences were final; that the administration of the judicial powers, and the modes of proceeding already described, were continued from the period when the office of dewannee was granted by the Mogul to the company, until the time when the company's servants were sent to take charge of the collections of the revenues of the country. When the appointments of the company's servants to the several districts in which the provinces of Bengal, Bahar, and Orissa were divided, took place, the object of that appointment was to examine into the state and extent of the public collections, and into the general condition of the district, with a view to ascertain whether, by extending cultivation, or by reducing charges, any improvements might be made in the same, without increasing the demands upon the occupiers or ryots—That the appointment was declared to be of a temporary nature, and to expire at the end of the year; that the utility of this institution having been experienced, it was affirmed at the end of the year; and upon the accession of Mr. Hastings to the government, various regulations were established to direct the administration of the judicial and civil powers in the provinces; that the judicial powers were exercised in the first instance by a court, consisting of the native officers of justice, the cauzees and muftees, whose proceedings were subjected to the superintendance and controul of the collector; from whose decisions likewise there lay an appeal to the superior courts of Sudder Adaulut, exercised by the governor general and council—That the controul of the criminal and civil judicature of the district was in the collector of the revenues of that district; but that there was a local definitive jurisdiction given to the farmer, to decide upon all causes of *meum et tuum*, under the value of ten rupees.

That the cauzees and muftees were appointed by the Sudder Adaulut, to prevent any dependency upon the collector: that they had a fixed salary, and were not entitled to any fee or perquisite whatsoever; that with respect to their qualifications, the first consideration was, their competency in point of knowledge of the laws and customs of the country; that most of them were men of learning and education, and of a respectable order in life, and that their appointments were not for life—That the witness does not know at whose recommendation they were appointed or displaced; but that they came into the districts with appointments from the superiors of their own order in Calcutta, and the collector was apprized by the governor and council of such appointments—That no instances of their being displaced, happened under him as collector of Hougly, or in any other district to his knowledge within the twelve months he resided there; and that the collector had not the power of removing them. The witness being asked, whether at the time of the committee of circuit of Bengal, the native zemindars were not obliged to become farmers under government of their own native zemindaries or districts, at high advanced rents, or whether, in case of refusal, they were not dispossessed of their zemindaries, and the same let to the best bidder, answered, that the most effectual methods were taken to ascertain by publication the rent and value of the subordinate farms in the district of Hougly; that, when the competition produced by this publication operated to settle the fair value of such farms, they were tendered to the zemindar upon such terms, but that their acceptance of such offers was not to preclude them from a compensation, which was considered as due to their rights as zemindars; that this compensation, in the event of taking such farms, was appropriated as a security

curity for the payment of their rents; but if the farms of their zemindary were ultimately let to a stranger, in that case, a stipend was settled upon the zemindars at the ratio of 10 per cent. upon the neat collection of such farms —That in some parts of the district, the zemindars accepted of the farms within the zemindary on the terms above described, but that in other parts they did not—That the person who in Bengal is called a farmer under government, does not rent and actually cultivate the soil, but only rents the revenues and dues issuing therefrom to government—That he contracts to pay a certain sum to government for the collections arising from that district, but is prescribed in making such collections by a particular statement of the rights and dues which he farms from government, and which he is prohibited from exceeding—That no specific sum is allowed for his trouble and responsibility out of the surplus revenues, but that the profits of the farmer, which must form his inducement to take the farm, arise from two sources, an extension of cultivation, and superior management and economy in the mode of collecting the revenue; but the witness does not understand that the farmer is precluded from disposing of the lands farmed to him to the best advantage, which may prove an additional source of profit to him: and he conceives that the farmer of the revenues could, at his pleasure, dispossess the actual cultivator or pottahholder of the land of which he farmed the revenues, unless he was restricted from the exercise of such right by a pottah giving a specific term—That a pottahholder, in the provinces, is to be considered merely as an occupier, entitled only to such term and such particular advantages as his pottah entitles him to, that his pottah is granted by the representative of government in the district, under whatever denomination, and he believes is countersigned by the zemindar; and that the payments received by these pottahs are paid in whole to these farmers of revenue. Being asked, whether such farmer does not in many instances possess and exercise coercive powers over the persons and properties of the ryots, or lowest class of occupiers? the witness said, he is not invested with such powers, nor does he believe they are exercised, and that he does not recollect an instance in his collectorship. And being asked, whether, in general, he does not consider the farmer in respect to the ryots as standing in the place of collector, and by what methods he could, on their refusal, enforce payment? he said, that he certainly is the authorized collector, and that a regulation was established in the dewannee office of Hougly, by which a particular register was to be made of all the leases from the farmer to the sub-tenant, with a view to facilitate an enquiry into matters of dispute between the farmer and the ryot; and that the farmer was directed, upon any difficulties arising between him and the ryot on the adjustment of accounts, to make his complaint to the dewan, to settle such disputes by a reference to the lease and to the accomptant of payments, as entered in the office of Kirchumchally. The witness being asked, whether, when the ancient hereditary zemindar was constrained to rent his hereditary land upon the new terms, he was from thenceforward considered as a mere revenue farmer and a servant of Europeans; or whether he acquired any new powers which he did not before possess? said, he considered him as standing in two capacities, that of zemindar and farmer, and that he does not think he acquired any new powers in his capacity as farmer, that he did not possess as zemindar of the lands. The established regulation to guide the conduct

conduct of farmers having rather curtailed than encreased the powers exercised by the zemindars, when they were renters of their own lands. He farther said, that most of the lands in the government of Bengal were put to the option of the ancient zemindar. Being asked, whether, if violences were committed by farmers or zemindars farming their own lands, or by the government's collectors, the country government afforded any sufficient mode of redress? he informed your committee, that the office of dewannee was the appointed place, for receiving such complaints; that when the zemindars were farmers under the company of their zemindaries, he considered them as contractors with the company in their capacity of dewans, for a certain rent, to be paid out of the lands of their zemindary. Then being asked, whether, as such, they were considered as servants of the company? the witness said, that he does not consider the farmer of any revenue in that country as a servant of the company, any more than he should consider a tenant in England to be a servant of his landlord, and that he conceives that the company, in their capacity of dewan, contract with the zemindar for the payment of a certain sum, which continues him in the possession of his zemindary during the term of the contract; that the zemindar, when constituted farmer by the company, is as liable to account, according to the terms of his contract, as any other farmer would be. The witness being asked, whether the payments of the zemindars to the company are stipulated rent on contract, or tax and imposition, according to our ideas of taxes in Europe? said, he considered it as a contract between the company and the zemindars. And being asked, whether such farmer is the occupant or tenant of the land himself, or the collector of the rents and revenues thereof due to the company? he said, he does not conceive that he is the occupier of the land himself, but as he does not act under a fixed salary, but by his contract or lease he is subject to losses as well as gain. He farther added, that the whole cultivation of the district is under the direction of the farmer; that he has a right to cultivate any land in his district that is uncultivated; that particular encouragement has been held out to encreale such cultivations; and that in new cultivations the farmer has the profit for the term of his lease.

Major James Rennell being examined, informed your committee, that he resided in Bengal thirteen years, from 1764 to 1776, both inclusive; that he bore a commission in the corps of engineers, and held a civil employment of surveyor general; that he made a survey of the province of Bengal himself, and that the general survey of all the provinces between Bengal and Delhi, was conducted under his direction; that he is acquainted with the manners and costoms of the natives.

Being asked, what inconvenience it would occasion to the zermindars or farmers, if they became subject to the attendance of summonses of the supreme court of judicature of Calcutta? he informed your committee, that from the great distance at which most of the zemindars are situated from the court of justice, it must necessarily be attended with great delay, expence, and vexation; and the mode of proceeding totally repugnant to their feelings; that it would ruin their credit with the money lenders, and occasion so great a consternation throughout their district, as to suspend all the operation of the civil government; that no more money would be collected in the district; for the ryots seeing their hereditary superior removed, would naturally apprehend

hend that they would be obliged to pay their rents over again to a ſtranger, who might ſucceed him.

Being aſked, in the courſe of his journies in the provinces of Bengal, Bahar, and Oriſſa, what degree of reſpect did the common people pay to their reſpective zemindars? ſaid, that the common people regard their zemindars as a kind of ſovereign in the great zemindaries ſuch as Radſhi, Burdwan, Dinagepore, &c. and that in the ſmaller zemindaries, they treat them with great reſpect, and conſider them as their immediate ſuperior—That ſome of the great zemindars live in princely ſtate.

Beign aſked, what would be the effect of a warrant ſerved by Engliſh bailiffs on one of thoſe great zemindars; the witneſs ſaid, he apprehends the bailiff would fall a victim to the rage of the people, in attempting to ſerve the writ—That he remembers an inſtance of an attempt to ſerve a warrant on a zemindar of an inferior diſtrict, whilſt adminiſtring juſtice in his cutchery—That the attendants of the zemindar fell upon the bailiff, and ſeverely wounded him—That the zemindar immediately came to the chief of the province, and declared he was ready to ſubmit to his authority, but did not underſtand that he was amenable to any other power. Being aſked, if ſome of thoſe great zemindaries are not held by women? he ſaid, that of Radſhi, one of the largeſt in Bengal, containing about 13,000 ſquare miles, and one of the richeſt in Bengal, and equal in ſize to the 5th part of England and Wales; and that there are ſeveral others held by women; but that theſe women never appear in the public functions of the zemindary, nor on any other occaſion—That under the country government, they would not be liable to perſonal arreſt, for it would bring diſgrace upon the whole caſt—That the perſonal arreſt of the Rannee of Radſhi would be conſidered as one of the groſſeſt violations of their cuſtoms that could poſſibly happen.

That the military force of the zemindars, under the preſent government, is very limited; that under the former they maintained a conſiderable force—That the inhabitants in general have a moſt perfect ſubmiſſion to the will of their zemindar—That if the body of zemindars ſhould be diſcontented, they might, at a conjuncture favourable to them, have ſufficient influence to excite the inhabitants to revolt.

That it is very common for people in our provinces, living upon the borders, when they find themſelves grievouſly oppreſſed by our collectors of revenue, to quit their houſes, and go into countries not ſubject to our juriſdiction. Then being aſked, who are the collectors of the revenue in the provine of Purnea? he ſaid, he does not know; but in 1765, paſſing through that diſtrict, he obſerved houſes uninhabited, and lands uncultivated; that he enquired the cauſe, and was informed, that they had quitted their habitations on account of the exactions of the collectors—That during the government of Coſſim Ali Cawn, 30,000 families quitted the province of Rungpore, a very fertile one, in one year, and ſettled in Coos Bayhar, the adjoining provinee, but then not ſubject to the juriſdiction of the Nabob. Being aſked, whether it was cuſtomary for the inhabitants of the frontiers of thoſe provinces adjoining, but not ſubject to Bengal, to come and ſettle in the Bengal provinces, in caſe of oppreſſion from their rulers? he ſaid, no inſtance has come to his knowledge—That the extremities of Bengal that he has been in, are chiefly bounded by hill or woods, and that the mountaineers, having no

fixed

fixed property, had often plundered the inhabitants of the plains—That as to the Bahar province, he has not been much in those parts.

Being then asked, whether the cauzees and muftees, and Indian professors of law, are in evil repute in that country? he said, he does not recollect hearing any thing for or against their characters—That he has often been in their company—Was told the nature of their office, and has seen them treated with respect. Being asked, whether that respect appeared to him to be the effect of fear or of opinion? he said, of opinion—That the people of Bengal treat all the learned and religious with veneration, a veneration not easily conceived by those who have not been in that country, which would hardly be paid to them, if they were considered as generally corrupt.

Being asked, if the natives were dissatisfied with the course of justice, as administered according to their own laws and usages? he said, by no means; and by what he has learnt from them, the administration of justice in their country courts is just the same now as it was under the Mahomedan government—That he believes they do not desire a better; nor does he suppose they ever did, because they are so exceedingly attached to their own manners and customs, that they have scarce an idea of a better mode. Being asked, whether they are not considered as entirely under the influence of English gentlemen, who preside in the provincial courts? he said, they are in common with all the rest of the inhabitants of the province; but that the people do not complain of not obtaining justice, on account of the influence of the provincial council over the cauzees and muftees.

Then being asked, whether justice has been obstructed by any influence or power whatever? he said, he certainly has heard of such reports, but he knows of no fact that has happened within his knowledge. Then being asked, whether English gentlemen have experienced marks of popular displeasure during their government, or at their departure? he said, he has heard of such things. And being asked, whether he believes it? said, yes; but that he does not think it general. Being asked, if he knows of any English gentlemen who have been particularly respected and valued for their good conduct and correct administration of justice in their respective districts? he said, he knows of some whose memories are cherished in the provinces in which they presided—That there are gentlemen now resident in England, who receive almost every year letters from natives, formerly subject to their jurisdiction, merely on the score of gratitude. Being asked, whether he knows of any particular chief of a provincial council, who has been lately much respected for his upright administration, and general good conduct towards the inhabitants? he said, Mr. Boughton Rouse, when supervisor of Radshi, had the highest character amongst the people of the province; and it was said amongst them, that he was removed because he would not increase the collections—That he has also heard great encomiums upon Mr. Harwood, chief of Dinagepore, who was almost adored by them; and that Mr. Baber, chief of Muxadabad, was held in the highest respect: and that he has likewise heard fair characters of other chiefs and principal officers, besides those mentioned, after they had left their districts? Being asked, whether he has not heard that some of the English gentlemen have abused their authority, to extort money from the natives in their several districts? he said, he has. Then being asked, if such reports have been generally believed? he said, he cannot possibly say how far they were

were believed. Then being farther asked, whether he believed them? he answered, yes. Being asked, whether those reports prevailed since the arrival of the judges in Bengal or before? he said, he could not charge his memory with the time. Being asked, if they have ceased since their arrival? he said, he could not speak to that; but that he apprehended that the judges can have made no alteration in that matter, supposing it to have existed. Being asked, if he had heard, that English gentlemen presiding in the dewannee provincial adauluts, have accepted of bribes from the parties for their judgment in causes tried before them? he said, no. Being asked, what are the salaries of gentlemen presiding in the provincial dewannee adaulut? or if they have any for such particular duty? he said, he knows that the members of the provincial council receive a salary of from 6 to 800 rupees a month, but does not know whether there is any particular salary for that duty. Then being asked, if he knows of any profits arising to them from their judicial office? or, if he ever heard of any gentleman in the provincial councils selling his profits from his adaulut to any other for a specific sum? answered, no, to both questions.

Your committee conceiving it material to be informed of the extent of the country, numbers, and description, religion, customs, and manner of persons affected by the subject of their enquiries, have examined several gentlemen on these points: and were informed by Major Rennell, late surveyor general to the company in Bengal, that from Patna to Calcutta is 400 miles by land, and 514 by water; that the journey must be made by water, during the rainy season, which, as far as regards the swelling of rivers, continues six months; that from the extremity of the Bahar province to Calcutta is 540 miles by land, and 650 by water; that from Chopra to Calcutta 436 by land, and 548 by water; from Calcutta to the extremity of Orissa is 180 miles: that from Goalpara, the north eastern extremity of Bengal, to Calcutta, is 360 miles by land, and 5.0 by water; that from Chittigong to Calcutta is 360 miles; that from Patchete, the western extremity 185 miles; from Calcutta to the northern extremity of the Radshi province, is by land 290 miles, by water 500; and that from the extremity of the Purnea county to Calcutta is 324 miles by land, and 425 by water; that in Bengal, Bahar, and Orissa, there are ten millions of inhabitants; that the greatest proportion of the ten millions live at a distance from Calcutta; that the proportion of Gentoos to the other inhabitants is four out of five.

Mr. Hickey informed your committee, that the number of British householders at Calcutta, within the Maratta Ditch, is about 400.

Harry Verelst, Esq. informed your committee, that he had resided in India twenty-one years; that he had been governor of Bengal three years, and ten years in council; that there are in Bengal, and its dependencies, at least seven millions of inhabitants; that eight out of ten were Gentoos, and the rest Mahomedans; that the number of Europeans were four or five thousand; that the inhabitants of Calcutta are now reckoned at six or seven hundred thousand, but that in 1750 or 1751, when a calculation was made, on account of a famine, they ammounted to between four and five hundred thousand.

Major Rennell farther informed your committee, that travelling is in India more inconvenient and expensive to men of rank, than in any other nation, but to low people less so; that travelling under the custody of a bailiff, would be

be much more inconvenient to a Gentoo than to an European, and that the expence would be necessarily greater. He farther said, correspondence is more expensive there than in Europe; that there is a constant and regular post from Calcutta to the frontiers of Bahar, another to the frontiers of Orissa, a third to the city of Dacca, and two others branching out of the great road to Dinagepore and Burdwan; that besides these, there are no cross posts nor any convenient mode of communication; that to forward a letter from Calcutta to the north east parts of Bengal would cost 15 rupees, because they send two messengers with a letter of any consequence, although the post goes to Patna; a letter to Betteah, which is out of the road, must be sent by a special messenger. Mr. Hickey also said, the charge of bringing up witnesses to the supreme court at Calcutta, is very much increased by the distance of the place where the cause of action arises; besides which, travelling is much more expensive there than in England.

Harry Verelst, Esq. farther informed your committee, that the Gentoos are more attached to their manners and customs than any other people upon the face of the earth—That they would suffer death rather than any indignity to their cast—That from every knowledge he had of the Gentoos, he was persuaded, that the Mahomedans, who have usually carried their conquests by the edge of the sword, on all former occasions, when they arrived in Indostan, found it absolutely necessary to sheath the sword, from a thorough conviction, that they would deluge the country with blood before they could convert one Gentoo to their laws and religion; and that they therefore wisely became the guardians and protectors of the Hindoo religion; and that he conceives the country to have been preserved in that state to the time he left it in the year 1770—That these religious rights and institutions, of which they are so tenacious, are not confined to their places of worship, but extend to every occurrence of life—That he begged to refer to his book, published in 1772—And being asked, whether he had any reason to alter his opinion since the publication of that work, from subsequent information; the witness informed your committee, that he was far from having altered his opinion, being now thoroughly convinced, that what he then wished to impress on the minds of people, regarding the impossibility of introducing the English laws into Indostan, has been but too fatally realized That the Hindoo religion tends to keep its followers in a state of separation from strangers; for it admits of no converts, and consists of more than ninety separate sects or casts, as they are called—That many of these are subdivided again; but that they may be all properly termed hereditary religions, as they are preserved distinct from each other, and each is governed by its own peculiar laws—That these laws are fundamentally taken from the Bede; but that their customs and manners are also considered as laws, and held as sacred as the Bede itself—That a very considerable part of these manners and usages consist of corporeal purities and impurities, according to their ideas, and which would not be thought so by us; and that there are strong instances mentioned in the witness's publication of 1772, from facts of his own knowledge—That some of these impurities may be contracted, though suffered involuntarily; and that, as an instance of it, an Hindoo who had a spoonful of beef broth forced into his mouth, could never be restored to his cast; that the witness, supported by all the influence of the English government, used every means to restore him, without effect; that on

Lord Clive's arrival in India afterwards, they applied to the Bramins and men of eminent rank, who were induced to assemble at different times at Kisnagur, at Burdwan, and at Calcutta, from the period of 1760, when he lost his cast, to 1766, when the last assembly was held; that though their inclination made them wish it, they could not, after consulting all their records, find an example to justify their restoring him to his cast; that he never was restored, and died of a broken heart—That in the loss of cast, is included, as to religion, a total excommunication; and as to customs, manners, and society, that no one of the same cast can associate or hold any intercourse with him, not even his own wife and children, without losing their cast—That professions are usually attached to casts, though there are exceptions; but that a man who had lost his cast, cannot follow any trade or profession, because he is deprived of all society, and avoided as a leper—That having lost a reputable cast of a higher order, he cannot be received into a lower; but must, with his descendants, (though instances in the time the witness resided in India were very rare) herd with the hallachores—That the hallachores are the lowest cast of people, who clear away the ordure, and remove dead bodies, and are occupied in employments which would defile any other sect—That Hindoos of a high cast would prefer death to the loss of cast; that inferior degrees of pollution, which do not involve loss of cast, require expensive and troublesome expiations or purifications; such as long pilgrimages, expences to Bramins, charities, fines, and forfeitures, and frequent ablutions—That the effect of throwing persons of high cast into a common prison with persons of other or no cast, would be, the witness thinks, an unavoidable loss of cast; for no sect of Hindoos can eat or drink with any persons who are not Hindoos, without loss of cast; at least, it would expose the person and his family to great indignity and disgrace.

The witness then being asked, whether it was usual, in the time of the prevalence of the Mahomedan government in Bengal, to throw men of high cast into the common jail, mixed with others; or whether any man, merely by swearing a debt, might obtain a power of seizing such a person, and of committing him to such a jail, if he did not find bail? informed your committee, that there could be no instance of it; and that he did not recollect any such person being sent to a common jail for debt; that the method of compelling a man to pay a debt under the Mahomedan government, would be by putting a guard over him in his own house; that there was a cutchery for vagabonds, but he does not recollect any prison for debtors; that in cases of debt, the courts, upon application, granted a guard to confine the debtor to his house, who pays the guard a certain rate per diem whilst on that service; that this guard did not always attend the debtor when he went abroad; and that close confinement, such as is practised in England, would in that climate destroy the prisoner in a short time. The witness then being asked, whether it was not customary, during the time of the mayor's court at Calcutta, by the process of that court, to arrest and imprison without distinction of cast, Hindoos subject to the jurisdiction of that court? answered, that he did not understand that the natives of India were, by the charter, in respect to debts with each other, amenable to the mayor's court, unless by mutual consent; but in cases of suits with Europeans resident in Calcutta, he believed they might; that he does not know whether any Hindoos were confined

fined in the common prifon, but is inclined to think that none were for debt. Then being afked, whether the inferior cafts look upon the higher with refpect and reverence, and confider injuries done to them as national difgraces; or whether they are not pleafed to fee mankind fo levelled under the hand of government? the witnefs anfwered, that the refpect and reverence paid by the inferior to the fuperior is, he believes, in no part of the globe more attended to than in Indoftan, for he is perfuaded, that an inferior, on any occafion of an infult to a fuperior caft, would confider it as an higher degree of infult than to one of his own caft, owing to the great refpect of the inferior to the fuperior. The witnefs farther faid, that an Hindoo's accepting a place under an European, would not affect his caft, nor his being employed to arreft another by virtue of a procefs, unlefs he was of a different caft, and ate and drank with him; nor would touching a man of inferior caft make him lofe his caft, but it would oblige him to undergo purifications. Being afked, what inconvenience would happen to a Gentoo of high rank, if he was arrefted by an officer of the fupreme court, and removed to a great diftance from his habitation and temple of worfhip? the witnefs anfwered, difgrace and ruin to himfelf and family. And being farther afked, if a man of inferior caft was employed to arreft and lay hold of one of a fuperior caft, what would be the confequence to each of them with regard to their cafts? the witnefs informed your committee, that the mere act of arreft would not bring on any pollution, but fhould he interrupt, or prevent him in the performance of the ceremonies of his caft, fuch as, by intruding upon him during his devotions, by touching him at the time of his meal, or after his wafhing, and in a variety of other inftances, it would be a pollution.

Mr. Baber informed your committee, that the Gentoos are fo prejudiced in favour of their own cuftoms and manners, and of that government under which they have been brought up, that they have no idea of, much lefs a wifh for, any alteration, that the laws of England are quite oppofite to their manners, cuftoms, and religion, that their laws are fo intimately connected with their religion, that a ftranger cannot be eafily acquainted with them, that to acquire fufficient knowledge, a long refidence, and a clofe application to the ftudy of their laws, is abfolutely neceffary, that even then, the learned in Mahomedan and Hindoo laws muft, on certain occafions, be confulted, that the connection of the laws of that country with its religion muft render the introduction of foreign laws peculiarly offenfive to its inhabitants; and that, in order to introduce them, their cuftoms, manners, and religion muft be changed, that the inhabitants would be much difpleafed to fee the power and influence of the zemindars deftroyed, by the equality which the exercife of Englifh law courts would produce. He farther informed your committee, that, during feventeen years refidence, he never faw the wife, or women, of any man of rank or zemindar, that if any European, however high his rank, was fo ignorant of the cuftoms of India, as to defire to fee the wife of a rajah or zemindar, if it was poffible for the rajah or zemindar not to conceive it to be a ludicrous requeft, he would receive it with aftonifhment and horror, that women never walk in the ftreets, but are carried about in clofe carriages.

Mr. Vanfittart being farther examined, informed your committee, that it is impoffible that any people can be more attached to their particular cuftoms, religious

religious ceremonies and obſervances, than the Gentoos; that it is notorious, that in the time of the famine in 1770, many Gentoos choſe rather to be ſtarved, than to eat the fleſh of a cow; that he remembers at Dinagepore, of which diſtrict he was then ſuperior, an inſtance of a poor, ſtarving wretch, of the lower claſs of people, who ventured to eat a little of the fleſh of a cow that had been killed by accident; that he was brought to him as a priſoner by the rajah; who, with the other principle Gentoo officers, were very earneſt with him, that he ſhould be puniſhed with the greateſt ſeverity; that he thinks they demanded his immediate death; that theſe religious obſervances tend to keep the Gentoos entirely in a ſtate of ſeparation from ſtrangers; that he never knew an inſtance of a convert being admitted to the Gentoo religion; that their cuſtoms and manners operate upon them as more than laws, becauſe they have a religious attachment to them; and that, in fact, they regulate their conduct; that it is the invariable cuſtom for Hindoo women of any ſuperior diſtinction to be ſecreted from the public eye; that during his fifteen years reſidence, he never ſaw a woman of any rank, ſuch as the wife of a rajah or zemindar; that he cannot exactly ſay to what inferior claſſes the ſtate of ſeparation deſcends; but that he thinks, certainly down to the wife of a reputable merchant.

Major Rennell alſo informed your committee, that the Gentoos are attached to their cuſtoms and manners in a remarkable degree; that they tend to keep them ſeparate from all the reſt of the world; that it is very much againſt their inclinations to abſent themſelves from their places of reſidence, and that few occaſions can make them remove to any diſtance from their native ſpot; that he conſiders the inhabitants of Bengal, Bahar, and Oriſſa, as a people in a ſtate of civilization, hardly inferior to that which prevails in Great Britain, in reſpect to manners; that their behaviour to each other is exceedingly polite; that they diſcover nothing of that ferocity viſible among ſome of the lower orders of men in Europe; that they are exceedingly ſervile to their ſuperiors, and behave with mildneſs and lenity to their inferiors, as far as relates to their exterior deportment; but that the lower people, when they have had the aſcendency over Europeans, have always behaved with inſolence; that even ſince the provinces have been in total ſubjection, the inhabitants have manifeſted the utmoſt impatience under our government. That in the courſe of his duty, as ſurveyor general, he was often attacked by people belonging to zemindars, partly, he imagines, with the view of plundering him, and partly becauſe they looked upon him as an intruding ſtranger. That he does not imagine there are a thouſand natives who underſtand Engliſh, and that they live in the principal cities, and ſerve as interpreters to Europeans—That Hindoo women never appear in the public functions of their zemindaries, or on any other occaſions; that it would bring diſgrace upon their caſt; that during his thirteen years reſidence he never ſaw a rajah or zemindar's wife, excepting one who was going to burn herſelf on her huſband's funeral pile; that he remembers an inſtance when an officer of government, being about to meaſure the ground on which an Hindoo's houſe ſtood, after ſome ſcuffle, broke open the door of the zenana or women's apartment, upon which the maſter of the houſe immediately deſtroyed himſelf by cutting his throat; and that he has alſo heard, upon the very beſt authority, of another inſtance, in which an Hindoo's houſe being on fire, and a multitude

tude assembled in the street, the master of the house, rather than expose the women to the view of the multitude, thrust them into an inner appartment, and was there burnt to death with them.

There being at this time a bramin in England, who is a subject of a Gentoo government, your committee judging it to be the most authentic source of information, concerning the usages and religion of the Hindoos, requested his attendance; and the particulars of his examination being interpreted by Charles William Boughton Rouse, Esq. a member of your committee, are— that his name is Honwontrow; that he comes from Poonah, a Gentoo government, of which Sittarah is the capital; that it is governed by the Peshwah, who is a bramin; that he is come to England on the part of Ragenaut Row, with letters to the King, and the East-India Company; that he is a bramin; that his cast, as well as all others, is obliged to observe particular rules and modes of life; that the object of worship is alike to all casts; but that there are many sects and distinctions, each of which has its particular rules; that there are four principal casts, and within these there are a great many others; and that it is criminal for any Gentoo to transgress the rules of his particular cast; that he may lose his cast entirely, or accoring to the nature of the offence; it may admit of expiation. Then being asked, whether some of these expiations are not expensive and troublesome? he said, without expence and trouble how can expiation be made? that it would be proportionable to the crime; for instance, brimhatta, or killing of a bramin; strehatta, or the killing of a woman; barhatta, or the killing of a child; gowhatta, or the killing of a cow; are the four great offences that require the most rigourous expiations, and the degree of criminality is nearly alike. That he must make one distinction, that it can only be done by consent and direction of learned bramins; that in case of a rich person, the expiation is large sums given in charity; if of low condition, long pilgrimages, as far as twelve years, without shoes, and naked feet, would be enjoined. That by the laws and customs of the Gentoos, a bramin might possibly commit such a crime as to incur the punishment of death; for instance, wilful murder; but there is one thing, it is not right to hang a bramin; if he is to be put to death, it should be with a sword. At the same time the witness added, that he never heard of an instance in which, under an Hindoo government, a bramin was put to death. Then being asked, whether there is any other crime, besides wilful murder, for which a bramin can be punished with death? he said, the prince may take his life for some great breach of trust or crime against the state; but hanging would not be the punishment; the punishment of death is not inflicted for smaller matters; but what other crimes can merit death? That hanging is, by the Hindoos, considered as a great pollution; and farther, it is the belief of the Hindoos, that a man who suffers death by the sword, has pardon for his offences; but if he dies by the halter, he dies with his sins upon him—That a person dying by suicide, or by the halter, cannot have his funeral rites performed; that the body of a hanged bramin is so polluted, that another will not touch it. And being asked the particular reason, the witness said, how can I tell you the reasons for it? such is our ancient religion. It is a general principle of faith, that an Hindoo should die placed upon the earth. Being asked, whether there are not crimes by which Hindoos may lose their cast? he said, there are; for instance, that he, being a bramin, could not eat any thing prepared

pared by the hands of a persee (who was then sitting by him); that if he did, he should lose his cast; and that if he had done it of his own free will, it could not be expiated; that, though a Gentoo, should he have resisted, if he be forced violently into an act of impurity, it will rest with the learned bramins, whether to restore him to his cast again, or not? that they can do nothing in it, but by the order of the Shaster. That they can eat only the things that are permitted them by the rules of their cast; that he has heard the bramins of Canooge eat some kinds of flesh; but that if the bramins in his country eat meat, they would lose their cast; that a bramin cannot eat his food unless prepared by another bramin; that if he should eat food drest by a person of another cast, it would be an impurity; that indulgences would be allowed to persons under an extreme illness, or such hunger as might take away power of judgment; but that if he should only be hungry, and had the power of dinstinguishing persons, no deviation from rule would be allowed. Being asked, whether there are any distinctions as to vessels or places of cookery? he said, there are; that, for instance, he could not dress his food at the fire in the room where he was than sitting, nor could he dress it in borrowed vessels, nor could he dress it upon a wooden floor, but if there was a span of earth upon the floor, he might; that if a man of another cast, or of no cast, was to touch him at his meals, or whilst he was dressing his food, or was to enter into the space allotted by him for the dressing his food, he should be obliged to throw away the victuals; and if an hallachore, or man of no cast, should come into the room where his victuals were, the whole house must be washed before he could eat in it again; that if in the open air an hallachore should touch him, he should be obliged to wash himself; that some casts would be obliged to wash their cloaths and body, others only their body; and some low casts would not be obliged to wash at all. And being asked, whether he had not suffered great difficulties in the journey from his own country to England? he said, yes, very great; that from Bombay to Mocha, though the voyage lasted 27 days, he never eat any thing but what he brought with him, such as sweatmeats and preserved fruits, and pumkins and vegetables, and drank the water he brought with him, and never tasted any food dressed on board the ship—That when he arrived at Judda, the governor, who was a Mahomedan, examined his baggage, and ordered him into confinement in the same house with the persees; that the governor sent him victuals two or three times every day; but for two whole days he neither eat nor drank any thing; that they were surprised at his not eating, when they had sent him so good a dinner; and that after some difficulty he made them understand, by means of a boy, who spoke his language, that being a bramin, he could not eat their victuals; and when he instructed them what his customs required, they furnished him with a tent, and other necessary conveniences for dressing his victuals, which he then did with his own hand. Being asked, what is their mode of confinement of a debtor? he said, in the first place, it is not usual to confine them; but if the person should be refractory, and desobey the orders of the magistrate for discharging the debt, perhaps he would place a guard upon his house; if his debts amounted to more than his effects, the magistrate would then order distribution, but he never touches the images or ornements of the place of worship, or of the apartments of the women and children, nor the furniture of the house; and that the guard suffers nobody to go in or out without his permissiou, but that

it is not the business of the guard to prevent the victuals coming in, unless he has a special order from the magistrate; for the business of the guard is to prevent any thing being carried out; that if the person has committed a crime, and the magistrate wishes to disgrace him, he may give such an order; that he must not, even in that case, disgrace the woman—That it sometimes happens, that a prince presses a zemindar for payment of his rents, and sets a guard upon his house; that if the zemindar is absent, and has not the money to pay, he absconds, but then the guard will not do any thing to affect his women: that if he should seize the property of a zemindar, it would not be justifiable to touch his religious ornaments, or his women's appartments; that besides, nothing is got by ruining a zemindar, who is the paramount proprietor of the land. Being asked, what dealings are allowed to the bramins? he said, he is prohibited from trading in salt, spirituous liquors, oil, butter, shoes, and from low trades: that an Hindoo is obliged to wash in a tank, or river, at least once a day; that washing in a river is best; if he cannot do that, he must wash in a tank, or with water, in his own house; that not to wash at all would be an impurity; that he cannot eat without, except in case of sickness—That if an Hindoo is excluded his cast, he is disgraced, and becomes hallachore, and is considered by his family as dead; that even his funeral rites are performed, and his face is never to be seen afterwards; that the Hindoos consider the water of the Ganges as sacred, and vow to wash in it on particular occasions; that long pilgrimages are considered as expiations; that the inferior casts of Hindoos pay respect to the superior; to a bramin particularly, the highest; that wealth is nothing in competition with that degree of rank; that the low people may drink the water in which a superior has washed his feet; that he himself would drink, and think it would be right to do it, of the water in which a bramin, learned in their books, has washed his feet, but it would be a disgrace to the bramin to suffer hallachores or base people to do it. Being asked, whether the lower casts are not much offended when they see the higher, such as the bramin, treated with indignity and disrespect, or whether they are pleased? he said, if a Rajahpout sees an indignity offered to a bramin, he will risque his life to protect him, that even the lowest casts of Hindoos would not be pleased to see a bramin degraded; that what a Mahomedan might think upon it, he does not know. The witness farther said, that under a Gentoo government, the charges of recovering a debt are a fourth part, which goes to the magistrate, and makes part of the public revenue; that in his country, women are not so much secluded as among the Mahomedans; but it would be a disgrace if they went into courts of justice; that if he had guests at his house, his wife might come in with the victuals, but could not sit down with men; that he has heard that the Rajahpouts, and people of Bengal, confine their women more than the Marattas; that they will not permit them, particularly those of rank, to be seen; that in his country the mode of recovering a debt from a woman, is for a magistrate to send to her, to satisfy the creditor, if she refuses, he orders her, if she be a woman of character, to be brought to his house; she is carried in a covered carriage, and received by his women, but is never compelled to attend the cause in a public court; and even if the magistrate himself speaks to her, there will be a curtain between them. He said also, that it is usual for women in his country to burn themselves on the funeral-pile of their

their husbands, and that the same custom prevails also in Bengal and other parts in Indostan.

And in order to enable the house to compare the effect and tendency of the proceedings which appeared in evidence in their enquires concerning Bengal, with the policy and conduct of the Mahomedan governments, now and lately existing in the neighbourhood of that province, relatively in the same objects; your committee proceeded to examine Capt. Gabriel Harper, who informed them, that he had resided in Bengal, Bahar, and Orissa, from 1761 to 1774; that he was in the company's service from 1763 to 1776, and commanded a battalion of sepoys from 1766 to 1774. Being asked, where he was stationed the last six years of his residence in India? he said, in the province of Oude, with the vizier Soujah Dowlah; that he was a Mahomedan, and an independent prince; that his dominions extended from east to west, 300 miles in length; from north to south, near 200 miles in breadth; that they were very populous, and well cultivated; that he estimated the actual collection of his revenues at about one million eight hundred thousand pounds per ann.

That the vizier's army was limited by treaty in 1768 to 35,000 men; that it was composed of Mahomedans and Hindoos, but by far the greatest part Hindoos; that many of the principal officers were Hindoos, and amongst them several who held commands; that the vizier was more attentive to the Hindoo officers than to those of his own religion, in order to attach his Gentoo subjects more to his person and government.

That the vizier treated the rajahs and zemindars under his dependencies with the greatest marks of civility, respect and friendship, and particularly with regard to the women's appartments; that in coming near a village, he would quit the main road, that he might avoid seeing their inclosures, as his situation on an elephant would enable him to overlook them; that he always recommended a similar conduct to the witness, which he invariably observed.

Being asked, whether, during his residence with the vizier, he ever knew of a zemindar being dispossessed of his zemindary by him? he said, that he can only recollect one instance; that it was for arrears of rent, and it happened to a man who had been frequently in arrear, and frequently pardoned; and who was notorious, not only for ill payment of revenue, but for his conduct towards those who were under his government. Being asked, what was his mode of proceeding on that dismission? said, that the zemindar was summoned to attend at Fizabad, the vizier's court; that being unable to pay his arrears, or to find security for the payment, he was dispossessed of his zemindary, and imprisoned; where he remained some time, but was afterwards released at the intercession of some of the Gentoo Officers about the court.

Being asked what he meant by imprisonment? said, a guard set over his person in a place near the cutchery, appointed for the confinment of Gentoo prisoners, where his own servants attended him in the same manner as if he had been in his own house; that he was suffered sometimes to sit under a tree, and to sleep under a tent occasionally pitched for him; that in the province of Oude, persons of different religions and casts are never confined in the same place; for they are very careful not to offend the customs and religions of one sect or the other, and it would give great offence. Being asked, whether it is usual to imprison persons for debt in that country? he said, they are sometimes imprisoned for debt, but not often; that imprison-

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ing their persons is the last resource they apply to; that they treat their debtors with great lenity, and never distress them if they can give probable security of paying their debts in a moderate time; part of it is frequently remitted, and particularly in the case of the zemindar before mentioned, who was indebted to the vizier 24,000l. all of which was remitted when the zemindar was released; that a man is considered as of a very unfeeling and litigious disposition, who pursues his debtor to the extremity of confinement, and it is discountenanced by the courts of justice. Being asked, what is the usual rate of interest in that country? he informed your committee, that it is generally one per cent. per month; but that when individuals are much pressed for money, the monied men are apt to exact more, but are liable to punishment for usury; that in this he confines himself to mercantile transactions. Being asked, if he ever knew or heard of places of public worship being profaned by the Mahomedans, in executing the vizier's orders against a zemindar? he said, never once; that orders are always given to avoid any thing of that kind.

Being asked, in what degree of respect the women of the rajahs and principal zemindars are held in the vizier's dominions? he said, in the greatest respect; that he never heard an instance of an insult being offered to an Hindoo woman of any description, during the time of his residence there; that by insult he means, that their private apartments may not be invaded by any person whatsoever; that there are some of the lower orders of Gentoo women, who in the time of the harvest assist in the fields; that to see those women is no indignity; but if you offered to touch their persons, break in upon their retirements, or to touch the places where they dress their victuals, it would be considered as a violation of their customs and religious observances; that he never heard of such insults being offered in any case, either by orders from the vizier, or from his courts of justice.

Being asked, what was the proportion of Hindoos and Mahomedans in the province of Oude? he said, he could not precisely answer, but that the Mahomedans bear a very small proportion to Gentoos.

Being asked, whether he was at the surrender of Ellahabad in 1765? he said, he was, and that it surrendered at discretion; that there were many women of distinction, Mahomedans and Hindoos, there at the time of the surrender; that Sir Robert Fletcher, who commanded the English army, suffered the women to go away in covered carriages, unexamined, and with a guard, though he had intimation at the time, that they had secreted money and jewels to a very considerable amount.

Being asked, if he had been at the city of Benares? he said, frequently; and that it is esteemed a holy city, the residence of learning and religion. Being asked, in whose dominions that city is? he said, it was then in the dominions of Soujah Dowlah, but under the immediate government of his zemindar, Rajah Bulwan Sing, who, by the vizier's permission, exercised sovereign authority; that the annual tribute he paid the vizier was about 22 or 23 lacks of rupees; that he thinks there were no Mahomedan officers belonging to Soujah Dowlah, who were in authority at Benares; that the vizier appointed one officer, the superintendant of the mint, who was usually a Gentoo. Being asked, if he had often resided in, or passed through, the provinces of Benares or Gazypore? he said, he had frequently passed through

them,

them, and had often refided a month at a time at Benares; that rather a more than lefs lenient mode of government is obferved in the provinces of Benares and Gazypore than prevails in thofe provinces which were more immediately under Soujah Dowlah's government.

Being afked, if there are many reputable fhroffs refident at Benares? he faid, a great many men of large property, whofe money dealings extend to all parts of India; that their bills of exchange are very current at Surat; that the rate of intereft there, is, he believes, nearly the fame as throughout the whole province of Oude. Being afked, if it was confidered as a place of particular fecurity for the depofit of money? he faid, it was; but he believes that idea arofe from the nature of its government. Being afked, whether the effect of this government was to attach the inhabitants to the perfons and government of Soujah Dowlah and Bulwan Sing? he faid, that mode of government certainly did attach them to their perfons and adminiftration.

Being afked, how the provinces of Benares and Gazypore are cultivated, compared with thofe parts of Bahar which adjoin, and are only feparated by the river Caramnaffa? he faid, the provinces of Benares and Gazypore are more highly cultivated than any he ever paffed through, and far fuperior to the adjoining one of Bahar; and that he attributes this comparative profperity of thofe provinces to the induftry of the inhabitants, and to the fecure and lenient government they live under.

Being afked, whether the Hindoos are much attached to their manners and cuftoms and religious obfervances? he faid, they are very much. And whether the Gentoo fepoys in the Englifh fervice pay much refpect to the perfons of the Bramins, to their places of worfhip, and to their religious obfervances? he replied, that he knows numberlefs inftances to prove that they do; that Gentoo fepoys, on the line of a march paffing through the neighbourhood of a place of worfhip, frequently have applied to their officers for leave of abfence to perform their devotions; that the battalion which he commanded was principally compofed of Gentoos; and that in the feveral routs that he has marched through the provinces of Soujah Dowlah, he has fometimes, at the general requeft of all the Gentoo troops, when it did not interfere with any particular fervice that he was employed in, halted a day to give them an opportunity of paying their devotions at any remarkable place of worfhip; and he knows, that Soujah Dowlah has often obferved the fame conduct with the Hindoos of his army. Being afked, at that feafon of the year when pilgrims come from all parts of India to bathe in the Ganges and other rivers, what was their treatment from Soujah Dowlah's government? he faid, that there are two places of bathing and worfhip in the neighbourhood of Fizabad, where, on the arrival of the pilgrims, guards were ftationed to protect them in their religious obfervances; and Soujah Dowlah conftantly made large donations amongft the poorer fort of the pilgrims, for their maintenance during their pilgrimage.

Being afked, whether the zemindars in the vizier's dominions exercifed any jurifdiction, and what? he faid, they had civil and criminal jurifdiction; that he has feen robbers punifhed by zemindars, both by corporal punifhment, and even death. Being afked, if any of them kept up a military force in their refpective diftricts? he faid, Bulwan Sing had an eftablifhed army; the others only fufficient to enforce their orders, and prevent difturbances in their

their several districts. Being asked, whether, when the vizier took the field, it was usual to summon the rajahs and zemindars to attend him in support of the war? he said, Bulwan Sing always furnished a quota, but he does not recollect any being sent from the other zemindars. Then being asked, if there were many zemindars, and those considerable? he informed your committee, that there were many, and they rented from 50,000 rupees to three lacks annually; that they considered themselves as secure in their possessions, by paying their accustomed rents. Being asked, whether it was usual in Soujah Dowlah, or Bulwan Sing, to raise the rents, or let the zemindaries to the highest bidder? he said, never; that he believes they would rather have lowered their rents, if an abatement was necessary, to a man who had been punctual in his former payments; and in times of public misfortune, such as the want of rain; that upon proper representation being made, he knows that part of the balance has been remitted. Being asked, if the zemindaries were considered as hereditary in the families of the zemindars? he said, no; it depended upon the will of the prince, but that he made a point of continuing it in the family, provided there was no particular objection to the next in succession. Being asked, if he knew what proportion the revenue payable by the zemindars bore to their income? he said, he could not describe the proportion, but that the zemindars had always sufficient to maintain themselves and their families with dignity and respect, correspondent to their situations. Being asked, if the Mahomedan men of the law, or muftees, in the countries above mentioned, were in general in ill reputation on account of their corruption? he said, their decisions were in general esteemed just, and their persons held in respect; and the Hindoo doctors or pundits were also held in respect. Then being asked, what effect the introducing the English law into the provinces of Benares and Gazypore would have; he informed your committee, that the government they lived under when he was there, was so good, and so well calculated, that the introduction of any innovations, and particularly of the English law, which in many instances is so totally opposite, would be attended with many evils and inconveniences. Being asked, if he was ever in the country of the Rohillas, and of what religion their chiefs were? he said, he had been through several provinces of it, and that their chiefs were Mahomedans; that the government there was conducted in the same manner, and upon the same principles in which it was conducted in the province of Oude; that when he passed through it on an embassy from Soujah Dowlah, to conclude a treaty with the Rohilla chiefs, to which the English became guarantees, it was in the most flourishing state that a country could be.

Being asked, if the Mahomedan and Hindoo sepoys are attached to our service? he said, that where there is but common justice done to them, and their particular rights and customs reserved to them, there are no set of people more firmly attached to the service, or to the officers who command them: that they are orderly and obedient, the Hindoos more than the Mahomedans; that they are not deficient in personal courage and military point of honour. Being asked, whether, if they were employed in the execution of modes of process, and of laws repugnant to their manners and institutions, and derogatory to the honour of those whom they respect, they could be perfectly relied on, or what would be the effect? he said, from the observations he has made of their dispositions, that he thinks they would rather oppose than assist such

proceedings. Being asked, whether the Hindoos in general think, that preserving a respect to the distinction of rank and cast, tends most to their oppression or protection? he said, it tends to their protection; for he does not conceive that the other orders of the Gentoos would patiently see a great indignity offered to their bramins. Being farther asked, whether a tribunal which proceeds against all ranks of people with one common rigour, would, from the circumstance of that equality, be thought pleasing to the lower casts and rank of people, and tending to the general benefit? he said, it is his opinion, that it would be very unpopular and displeasing to all ranks and casts; that it would do no good, but that every evil might be apprehended from it.

Being asked, whether the settlements of English attornies or council at law at Benares, through whom they might carry their suits to the supreme court at Calcutta, against their own magistrates, men of the law, and principal zemindars, would not be of great use, and prevent them from oppression? he said, he thinks the decisions of their own courts and judges generally so upright, and speedily determined at little expence, that the introduction of such attornies or council would be one of the greatest misfortunes that could befal them. Being asked, whether an opinion has not prevailed in Bengal, that several English gentlemen, in authority under the company, have abused their power in many instances, to the oppression of the natives? he said, he had heard of such things, and complaints have been preferred to the governor of Calcutta against individuals of that description. Being asked, whether he thought there was any foundation for this opinion, and those complaints? he said, in some instances he believed they were just, but has heard of others where the charges were not proved. Being asked, whether in case of such practices, it is difficult to obtain legal proof that such practices do exist, though notorious to the country? he said, where such practices are very notorious, it is not difficult to obtain proof. Being farther asked, whether the power and authority of English gentlemen do not intimidate the natives from making such complaints? he said, perhaps it might, whilst they filled the station, but on their removal to any other station, which is constantly practised in the company's service, if they had been guilty of any illegal practices, there would not be wanting proofs to convict them. Being asked, whether a successor, inclined to the same practices, would not endeavour to intimidate them from such complaints? he said, the successor might have the same disposition, but might not have the power of preventing them. Being asked, to whom must such complaints have been made at Calcutta, before the arrival of the judges? he said, if against a civil servant, to the governor and council; if against a military officer, to the governor and council through the commander in chief. Being asked, by whom were the gentlemen exercising authority in the provinces appointed? he said, by the governor and council. Being farther asked, if there was a disposition in the governor and council to protect those officers they had appointed, whether there was any mode of redress in the country for the persons injured? he informed your committee, that there was no authority superior to the governor and council. And being asked, whether, from what he knows of the disposition, usages, and faculties of the natives, he thinks any application to England would be probable? he said, the Mahomedans and some casts of the Gentoos would have no difficulty; but to the bramins and higher casts it would be very difficult, and they would rather submit to much hardship.

Mr.

Mr. Barwell being asked, if the zemindars and farmers of the country have not been frequently guilty of flagrant and notorious acts oppression? said, that considering the great number of people, it is not possible that trangressions should not have been committed; but compared with any other state of society, he apprehends the instances of oppression, among the zemindars and renters of India, will not apear more numerous or atrocious than in other countries; he imputes this to the despotism of that government, which takes instant cognizance, and inflicts immediate punishment, on delinquents guilty of acts of oppression. Being asked, if the supreme court would be in a condition to answer the ends of its appointment, in protecting the natives, without having jurisdiction over the zemindars? said, certainly not. Being asked, if it would not be beneficial to the country, that the zemindars should be made amenable to the jurisdiction of the supreme court, in order to enable it to attain the ends of its institution? said, that the ends of its institution, in his apprehension, did not require a jurisdiction over the zemindars; he did not believe it would be beneficial to the country; such an extension of jurisdiction would bring with it so much business, that the court would not have it in their power to go through one tenth part of it. Being asked, whether the institution of circuits, and the establishment of more courts of judicature, similar and subordinate to the supreme court, might not remedy that effect, and extent the benefit of the English laws to the whole body of native inhabitants? said, that any institution which may be formed upon the practice of our courts, will make the whole system so exceedingly complicated, is so novel, and so little suited the genius of the people, that he believes it would multiply the evils that are already experienced; a summary and more simple mode of administering justice, is the only institution which can be beneficial to a country, the majority of the inhabitants of which support themselves and families upon so trifling an income as about 3l. 10s. per annum. Being asked what is the expence of suits in the country courts? said, not a farthing. Being asked, whether he supposed this facility of applying to a court of justice encouraged litigation? said, it may; and of this he was certain, that few people are more impatient under wrongs than the Indians. Being asked, if he thought that law proceedings in the country courts, might not be made subject to a small tax, without prejudice to the substantial administration of justice? he said, he thought they might. Being asked, if the expences of suits in the supreme court are considerable? said they are. Being asked, if they are as considerable as in England? said, they are, and more so. Being asked, what instances he had known, where natives, by mutual consent, had submitted their cases to the jurisdiction of the supreme court? said, that he did not know of any instances of natives voluntarily submitting their causes to the jurisdiction of the court; when contracts are entered into for money borrowed, there are very few natives who do not demand it as a condition from the borrower, that he shall be amenable to the court. Being asked, if he meant out of Calcutta? said, he meant native borrowers, who do not reside in Calcutta; but that he knew of no lender that made this demand, but what was resident in Calcutta, or had family connections there. Being asked, whether he thought, that without the supreme court, or some similar establishment, any effectual means could be provided for restraining the misdemeanors of British subjects, and their oppression of the natives? said, yes, he thought government had the means, but in his opinion, some institution

 was

was neceffary, to check the defpotifm of the government, and fence the fubject againft oppreffion. Being afked, whether he figned the letters to the court of directors, of the 10th and 25th of January, 1780? faid, he really did not recollect, but thinks he muft have figned them, as he was in the country at that time. Being afked, whether the diffention between the judges of the fupreme court, and the governor general and council, did not originate fo early as the year 1776? faid, that there were difputes between the court and the governor general and council fo early as 1774. Being afked, whether queftions concerning jurifdiction have not been continually agitated from that time to his departure from India? faid, they have. Being afked, whether the proceedings of the juges upon thefe occafions appeared fair and regular, or replete with irregularity and injuftice? faid, they appeared to him fair and regular, but in many inftances detrimental to the revenue. Being afked, if the whole of their proceedings in a particular cafe, namely, that of Rajah Chiton Sing, zemindar of Biffempore, was not reprefented by the governor general and council, to the court of directors, to be replete with irregularity and injuftice? faid, he believed it might; he recollects this inftance, and he thinks he joined in the reprefentation. Being afked, if there were not arzees, or petitions, from zemindars, complaining of the extenfion of jurifdiction by the fupreme court about that time, preferred to the governor general and council? faid, that he heard of fuch complaints, and he muft refer to the records of the company, and to the particular arzees or petitions; however, for the information of the committee, he muft beg leave to remark, that there were many who complained of the operation of the jurifdiction upon them, and anxious to be exempted, yet applied to the court in purfuit of redrefs, or to fcreen themfelves under fome procefs of the law, againft either the acts of government, in enforcing payment of its rents, or of individuals, profecuting in the country courts of juftice. Being afked, if before he left Bengal, there were not petitions from zemindars, and others, to the governor general and council, againft the jurifdiction of the fupreme court? faid, yes. Being afked, whether he thought thofe petitions were the natural effects of their own opinions and fears, or obtained from them by the dread of the authority and power of the governor general and council, or any other Europeans, or their agents? faid, he believed them to have proceeded from the people themfelves, without any European influence or interference whatfoever; and this farther reafon operated upon his mind, that no European influence had been ufed, as the petitions are calculated to exempt the natives from profecutions in our courts, while Englifhmen of all denominations are open to the attacks of the natives. Being afked, what would be the confequence of obliging natives, not fubject to the jurifdiction of the fupreme court, to plead to the jurifdiction? faid, that fimply to plead to the jurifdiction, could be attended with no inconvenience to the party; but owing to their ignorance of the law, and the advantages taken by the attornies of the court of that ignorance, they are exceedingly harraffed and perplexed by the procefs which iffues to compel them to put in the plea, even to the ruin of themfelves and families. Being afked, if it was eafy for the natives to obtain bail? faid, it was not eafy for any native, not immediately refident in Calcutta; for men materially engaged for the revenue to government, it had been ufual for the government to bail an appearance to the fuit, to prevent the confequences to the revenue, by their removal from the province where they refided to Calcutta,

Calcutta. Perfons not concerned in the revenue do not come under the notice of government, and are left to find bail where they can. Being afked, if fuch perfons do not find bail, what is the confequence? faid he believed a writ of fequeftration iffues to compel appearance. Being afked, if he had known any inftances of zemindars being fummoned from diftant places to plead to the jurifdiction of the court; and when arrived at Calcutta, and having declared their intention to plead, that then the action had been dropped? faid, he had heard of fuch inftances. Being afked, if he ever heard of fuch actions being again renewed, and the zemindar brought down a fecond time, and then the fuit again dropped? faid, he had heard of fuch inftances. Being afked, if it was not the ufual practice in the company's fervice, when any member differed with the majority, for him to concur in the execution of what is fo determined, but to enter his own reafons on record againft the refolution of the majority? he faid, it is ufual; and it is ufual often to difpenfe with it; and that circumftances, and the ftate of the council determine the individual in this. Being afked, if he knew of any increafe of falary or appointment to Sir John Day, advocate general, beyond the orders of the Eaft India Company? faid, he did: the addition was made on the ground of his giving up all kinds of private bufinefs, and devoting himfelf entirely to the company. Being afked, at what period of time this augmentation was made? faid, he did not particularly recollect; he defired leave to refer to the records.—Being afked, if the advocate general had much practice before this augmentation? faid, he really cannot fay; he never officiated as an advocate in the court; and his knowledge of fome few cafes being ftated to him, will not allow him to fay his practice was extenfive; he rather believes it was not.

On the fubject of the exercife of the penal law of England, over fuch natives of Bengal as the fupreme court have conftrued to be within their jurifdiction, your committee thought it proper to enquire into the effects produced upon the minds of the natives, by the punifhment of death, inflicted on Mar Rajah Nundcomar, a native of high rank in that country, for a forgery, under an act of George II. charged to have been committed feveral years before the inftitution of the court.

The court of directors of the Eaft India company, in their letter to Lord Vifcount Weymouth, dated November the 19th, 1777, ftate "that Nundcomar was indicted, tried, convicted, and executed, for an offence which was not capital by the laws of the country where the offence was committed—That they conceive this proceeding to be a matter of moft ferious importance, and big with confequences the moft alarming to the natives of India; and that the general principle which the judges feem to have laid down in their proceedings againft Nundcomar, is, that all the criminal law of England is in force, and binding, upon all the inhabitants within the circle of their jurifdiction in Bengal."

The circumftances of this execution are fet forth by the governor general and council, and judges of the fupreme court, and by different members of thofe bodies, in various papers.

And the witneffes examined by your committee, have given the evidence which follows:

Thomas

Thomas Farrer, Esquire, one of the members of your committee, being examined, was asked, if he was not at Calcutta at the time of Nundcomar's trial, and well acquainted with the circumstances of his case? said, he was in Calcutta, and was counsel in the cause for the Mar Rajah. Being asked, whether he took advantage of arguing concerning the inapplicability of a penal English statute to the case of Nundcomar? said, no doubt he did: he first prepared and put in a plea to the jurisdiction of the court; that plea being over-ruled, he afterwards contended, that though the judges might in strictness deem themselves competent to try him, yet that the English statute, that made the offence, upon which he was to be tried, capital, could never be meant to extend to persons under his circumstances. Being asked, if that argument was admitted in favour of his client? said, that the consequences which were publicly known to have followed, speak the contrary, as he was condemned and executed. Being asked, if any application was made, to respite the execution of the sentence until his Majesty's pleasure should be known? said, that the supreme court have, by virtue of the charter under which they sit, a discretionary power of granting appeals and respiting execution in criminal cases: a petition of appeal was in this case prepared and moved in the court, but was refused to be granted; that he afterwards applied to the foreman of the jury, actuated by the principles of humanity solely, to submit to him the propriety of a recommendation from him and the rest of the jury, to the clemency of the judges, until the king's pleasure should be known; that, not finding him at home, he left a note, acquainting him with the reasons of the above application; that note was followed by a letter from the foreman to the witness upon the subject, and afterwards by a reply from him to the foreman; these letters, he observed, are entered in the proceedings of the governor general and council, and by them transmitted to the court of directors, and are now before the committee; but the witness observed, that they are very incorrectly copied; he adds, that these letters were sent by the foreman of the jury to the chief justice, who afterwards in court censured Mr. Farrer in severe terms for the part he had acted upon this occasion. Being asked, if there were any circumstances in Nundcomar's case which might make it dangerous to respite the execution until his Majesty's pleasure was known? said, none, that he could conceive. Being asked, if he heard any danger of his escape from prison being stated? said, he never heard any thing of the kind; he has visited him in jail, and found it guarded by a number of sepoys; between his condemnation and execution, he believes there was an European officer commanded the guard. Being asked, if there had been any attempt towards a rescue? said, none that he ever heard of, or believed. Being asked, if, at the time of that trial, there was not a civil suit pending, for the recovery of the money received by him upon the instrument charged to have been forged? said, that whether any civil suit was then actually depending or not, he could not say; but that such suit had been commenced and prosecuted in the usual manner, he knows of a certainty, as he had read the proceedings.

And Mr. Farrer being farther examined, was asked, what effect the execution of Nundcomar had upon the minds of the native inhabitants? said, he heard and believed general terror and dismay. Being asked, if several of the principal native inhabitants did not present an address to the judges soon after the

the execution of Nundcomar, expressing their satisfaction in the proceedings of the court, particularly in its lenity and moderation? said, he believed there were about that time several addresses presented to the judges, by the native inhabitants and others, to the effect mentioned in the question. And being asked, whether he believed that these addresses were the spontaneous effects of their own ideas, or the effects of influence and fear? said, he believed they were principally the effects of influence and fear, if not altogether so; inasmuch as he has been given to understand, from various descriptions of natives, that those who did not sign such addresses, would not be considered as the friends of the supreme court, or the government. Being asked, if the execution of Nundcomar had a tendency to encourage the natives to prefer their complaints for abuse of power to the supreme court of justice, or to any other body authorised to receive the same? he said, he believed not. Being asked, if he believed it to have had the contrary effect? said, yes, for a considerable length of time; but what may have been the case since, he knew not.

Charles William Boughton Rouse, Esq. a member of your committee, informed your committee, that a civil suit against Nundcomar was originally entered in the judicial court of Cutchery, and that proceedings were held upon it in the dewannee adaulut, in Calcutta, which was established in lieu of that court, in the year 1772, and over which he then presided: that after some examination had, the court of adaulut repeatedly recommended arbitration to both parties, but they could not agree about the persons; and, to the best of his memory, that was the difficulty.

Mr. John Mills being asked, whether he was in Calcutta at the time Mar Rajah Nundcomar was executed, and what effect it had upon the minds of the inhabitants? he said, he was; and that several of the credible natives informed him, that they never could have thought that any British law or act could have condemned a native of Indostan, for any crime or crimes committed many years before the act; and that they did not doubt, but that a time would come, when the natives would be revenged for such an act, which appeared to them of so much injustice. Then being asked, whether, during his residence at Calcutta, there were many instances of natives tried for offences by the English law? he said, several; but that he never served upon the petty jury. Then being asked, what he understood by the expression made use of by the natives, that they did not doubt but the time would come when they should be revenged for an act of so much injustice? he said, that all he could understand was, in their hopes of private revenge upon the persons of those who had passed the sentence.

Your committee again examined Major James Rennell; who said, that at the time of the execution of the Mar Rajah Nundcomar, he was at Dacca; that it occasioned much surprize and terror on the minds of the natives there. And being asked, what opinion they entertained of the application of the English criminal law in that case? said, they were apprehensive the English law would impute crimes to them which they did not understand; and that the execution of Nundcomar was a degree of punishment so novel and unexpected, that, pending his trial, and till his execution, nobody supposed he would be executed. And being asked, if they did not know that forgery was a crime? said, they certainly knew it was a crime, but never deemed it a capital one; nor was it ever so punished in their courts. And being asked, whether the opinion of the people at Dacca, that Mar Rajah Nundcomar

would not be executed, arose from an idea that it would be impossible to obtain justice against a person of his rank and power? said, that amongst the lower sort of people he believed it did; but the better sort imagined that it was meant to terrify others from committing forgery, by proceeding to sentence. He had long ceased to be a man of power.

Mr. Joseph Price being examined, said, he had resided in India about thirty years; in Bengal, from 1767 to 1780, in the capacity of a free merchant.—Being asked, if he was in Calcutta at the time of the execution of Mar Rajah Nundcomar? he said, he was. And being asked, what effect that execution had upon the minds of the native inhabitants in general? he said, he believed they were a great deal surprised at it; and that their surprise was owing to their not having seen a man of rank and distinction executed before in that manner. Being asked, if he understood it as a general and prevailing opinion amongst the natives, that he had been guilty of the crime laid to his charge? he said, that on his conscience he believed that every man in the country, even down to his own son, believed him guilty of the crime laid to his charge; but whether the crime merited death, he cannot say; that he was upon the grand jury that found the bill against him. Being asked, what was the Mar Rajah Nundcomar's general character? he said, a very bad one, amongst all orders of men. Being asked, if the people in general were not afraid of him, on account of his intriguing spirit? he said, he believed in general very much so. Being asked, if the disgraceful execution of a man held guilty of forgery, and generally obnoxious to the community, was not a very pleasing and popular act throughout the country? he said, it certainly was; as a man, they were happy to get rid of him; as a nation of Hindoos, they were surprised that such a power was introduced amongst them, which could, for what they might deem a venal crime, put a prince and a bramin to death. Being asked, if he conceived the prejudices of the natives to be at all shocked by the circumstances of the trial and execution of the Rajah? he said, that he was certainly an unpopular man; and that all orders of people seemed pleased, that as he deserved an ignominious death, he suffered it, still speaking of him as a man; but it shocked their religious and civil prejudices as a people. Being asked, if a bramin, and a man who had held the same rank in the state as the Rajah, without his unpopular character, had been so executed by process of the English law, whether he conceived that the prejudices and customs of the natives would not have been shocked with the execution? he said, they certainly would; for they detest the very idea of the introduction of the English law. Being asked, if he had not found them sensible that they enjoy more substantial justice from the institution of the supreme court of judicature, than they formerly experienced? he informed your committee, that whilst the mayor's court existed, they might apply to that court, or not, for justice, as they thought proper; that they dislike the interposition of the supreme court of judicature amongst themselves, because it interferes with all their customs, manners, and prejudices; and he believes they would, nine times out of ten, rather give up their property than dispute it in the supreme court; that he believes, in general, nothing but personal and private pique carries them there. Being asked, if such native inhabitants of Calcutta as had not the benefit of applying to the mayor's court, were not particularly pleased at the institution of a court to which they might

carry their suits, independent of the governor and council who held the controul over the country courts? he said, they were certainly as strongly prejudiced in favour of their own courts as Englishmen are in favour of theirs; and if left to themselves, would always apply to them.

Captain Cowe being again examined by your committee, was asked, whether he was at Calcutta at the time of the proceedings against Nundcomar, and at the time of his execution? said he was, during the whole of the time. Being asked, if any criminal prosecution had been commenced against him before that indictment for forgery? he said, none that he had heard of. Being asked, what was the opinion of the natives concerning that proceeding, whether they thought it political, or done in the ordinary course of justice? said, he believed there was a great diversity of opinions; that many thought it was done from political motives, others in the ordinary course of justice, according to the laws of England. Being asked, what was the character of the Rajah Nundcomar among the natives? said, that he was considered as a man of understanding, but much addicted to litigation, and in general thought a designing, artful man; that he never heard any thing farther against his moral character. Being asked, whether his prosecution did not give general satisfaction to the natives, as being the means of bringing to justice a criminal, who had been a long time protected from it by his power and artifices? said, he never heard that it had given satisfaction, except to a few, who might have viewed it in a political light. Being asked, whether he had not heard that the offence for which Nundcomar was tried, was committed several years before the trial? he said, he always understood it had been committed for many years before the trial. Being asked, if he had an opportunity to make any observations concerning the execution of Nundcomar? said, he had; that he saw the whole, except the immediate act of execution, from the parapet of the new fort, not quite half a mile from the place of execution; there were eight or ten thousand people assembled, who, at the moment the Rajah was turned off, dispersed suddenly, crying, Ah Baup-aree, leaving nobody about the gallows but the sheriff and his attendants, and a few European spectators. He explains the term of Ah Baup-aree to be an exclamation of the black people, upon the appearance of any thing very alarming, and when they are in great pain; that they did not think he would be put to death till he was actually executed; that many of them even ran into the river from the terror at seeing a bramin executed in that ignominious manner; that the circumstance of his execution was received with great horror by all the natives as well as most of the Europeans, who, in general, thought it a hard case. Being asked, if the natives in general were not satisfied with the introduction of the rigor of the English penal statute law, as tending to secure credit and fidelity in dealings? said, as far as he ever understood, quite the reverse. Then being asked, whether the equity and impartiality of the supreme court in that business, did not strike forcibly upon the minds of the natives, and impress them with a strong idea of the wisdom and justice of the English laws, and a desire of having them extended for the general benefit? he informed your committee, that it rather impressed them with an unfavourable idea of our justice and equity, and that he never heard they by any means wished to have them extended. Being asked, if the natives knew for what purpose the supreme court had been established? he said, he believed at first

first they did not properly understand it, but that by this time they are perfectly acquainted with the nature of its institution. Being asked, if it was not generally given out, that this court was instituted for their protection and their defence, against the abuses of European authority? he said, it was; that he remembered hearing Mr. De Maistre, one of the judges, from the bench express his surprise, that so many people applied for redress to the country courts, when they might depend upon as good justice, or better, in the supreme court of judicature; and that these were his very words. Being asked, if the natives considered the proceedings against Nundcomar, and his execution, as answering the ends of the institution of the court in the protection of the natives? he said, he did not believe they did. Being asked, whether they did not consider the execution as having a tendency to encourage them to prefer complaints against Europeans in authority? he said, he believed not. Being asked, whether an address to the judges was not signed by several of the natives, commending their conduct in the office, and particularly dwelling upon the character of mercy? he said, that he had seen an address from the Armenian merchants printed, which he believes was given to the judges. Being asked, whether that address contradicted the sentiments of the natives, which he had just now mentioned? he said, it did. Then being asked, whether he looked upon that address, or the conversation he had heard, as most truly expressive of the genuine sense of the natives? he said, he believed the conversations he had heard to be the most expressive; and that the address does by no means express their sense. Being asked, if he recollected any instance of mercy to which that address alluded? he said, none, except the release of the felons, and several who had been under sentence of death in the prison at Calcutta for capital offences. Then being asked, if any particular circumstances of hardship had been represented to the judges? he said, he did not know that there had, before the arrival of the judges. And being asked, whether an opinion had prevailed, that the construction or execution of criminal law had been severe and immoderate? he said, he never had heard any such opinion.

Your committee again examined Edward Baber, Esq. who said, he was at Muxadabad at the time of the execution of the Mar Rajah Nundcomar, and believes that event was much discussed among the natives of that city. And being asked, what opinion the natives entertained of the application of the English criminal law in that case? said, that it was a very severe application, and it caused a good deal of alarm. And being asked, from what particular circumstances did that alarm arise? said, he apprehended that the alarm arose from the ignominy as well as severity of the punishment of crimes, not deemed capital with them, and the fear that the law might be applied to causes however remote. Being asked, what was the rank of the Mar Rajah Nundcomar in that country? said, he was a bramin of the first rank, and his station had been also the first in the government, namely, prime minister to the nabob of Bengal. And being asked, what was the general moral character of the Mar Rajah among the natives? answered, a very bad one. And being asked, if the people were not very much pleased to find a man of that high rank, and that bad moral character, brought to strict justice for his offences? he said, he believed, that however much he might be disliked, the trying him by the English laws was not at all pleasing to them. Being asked,

whether

whether most of the offences that are capital by the law of England are capital by the laws of Indostan? said, they are not. And being asked, if, from his knowledge of the country, he thought that the punishments allotted by the law of the country to offences, were sufficient to preserve peace and good order? said, he did, and for this reason, that he has frequently heard from the natives, accounts of the commendations of the regulations and good order of the police of the country before the English had any concern with it. Being asked, whether he thought the natives considered a capital punishment was more than necessary for an offence like that imputed to the Mar Rajah Nundcomar? said, they certainly did consider it as severe, because, exclusive of the peculiar reverence they pay to a bramin, the crime itself committed by one of the lowest cast or rank, is not capital. Being asked, if there was not much transaction through the medium of writing, and greatly affecting property of all kinds of that country? said, yes. And being asked, would it not tend greatly to the security of that property, and consequently to the encrease of the commerce and welfare of that country, if this crime of forgery was punished in a severer manner than it is usually punished in the country courts? said, that in his opinion he did not think it would. And being asked, whether this severe punishment is not much desired by persons in trade, or concerned in money transactions? said, he does not think it is; and thinks he may add, that they would be better satisfied if their own customs continued than to be obliged to adopt severer laws. Being asked, if the English law, which inflicts capital punishment on various kinds of felonies, under their various descriptions, would not be acceptable to the natives, as affording a farther security to property? said, he does not think they would; on the contrary, he believes they would be shocked at the various descriptions of our capital punishments. Being asked, in what manner he conceives our laws of transportation would be applicable to the state and manners of that country? said, he thought it would be worse than the capital punishments, because the Hindoos had much rather suffer death than be promiscuously put on board a transport as criminals, where every law of religion, their manners, and customs, must be violated. Being asked, if he knew or had heard that it is usual to sentence criminals, in certain cases, to labour on the public works? said he knew it is the law and custom of the country. Being asked, if he ever heard that the men sentenced to this punishment in Calcutta, were set at liberty by the authority of the supreme court? said, that he had heard this act much talked of by the natives of Muxadabad, who spoke of it with great surprise and apprehension; and amongst the Europeans it was considered as mad an act as that of Don Quixotte setting free the galley slaves. Being asked, if this act did not produce many ill effects in the country? said, he did not know, he was absent from Calcutta at the time; but he had heard that many of the inhabitants of Calcutta maintained private guards of their own to protect their houses and property. Being asked, if he had not heard that the Khoran admits of a composition for several offences, and even for murder? said, yes. Being asked, if that licence has not produced great mischiefs within the province? said, not that he knew of. Being asked, if murder was a common crime in Bengal, or the other provinces? said, he does not think it is; they are far from a sanguinary people, and very averse to shedding blood. Being asked, whether, from

from his knowledge of the manners, customs, and dispositions of the people, he thought it would be a matter of extreme difficulty, or perfectly odious, to introduce a trial, similar to that by jury, in the native courts? said, that arbitration is a very common and a very ancient practice amongst them, which being something of the nature of a jury, might perhaps be modified to something still nearer to it. Being asked, if he ever heard that Rada Chund Meter, a Gentoo, was condemned at the court of oyer and terminer at Calcutta, for forgery, previous to the arrival of the judges of the supreme court of judicature? said yes; he was not executed; he was recommended to his Majesty's mercy by the governor general and council, at the request of the inhabitants, and received the King's pardon. Being asked, if he knew upon what grounds he was recommended to mercy? said, that the petition fully stated it. Being asked, if there had been any formal promulgation of the heads of the English criminal law to the natives of the provinces, or any abstract published under authority in any of the country languages of the English civil and criminal law, or of the modes and rules of practice in the English courts? said, never that he heard of. Being asked, as he was chief of a provincial division, could such a promulgation have been made without his knowledge? said, certainly not.

In addition to the case of the rajah Nundcomar, your committee think it incumbent on them to lay before the House an instance of the operation of the English penal law over the natives at Bengal, in the case of Ajooderam and Subharam, who were brought prisoners from the Province of Dacca to Calcutta, about 300 miles from their place of residence, accused of murder; and, after remaining eleven months in the English jail, were found upon their trial not to be objects of the jurisdiction of the supreme court, and were discharged. Upon this subject your committee again examined Thomas Farrer, Esq. a member of your committee, who being asked, if he was employed to defend Ajooderam and Subharam, the servants of the rajah Kirk Narrain, upon an indictment for murder, before the supreme court? he said, that he was retained and employed as counsel, not only in behalf of them, but also in behalf of 13 or 14 persons (to the best of his recollection as to the number) against whom indictments for murder were preferred for the same transaction. And being asked, if these two men were brought prisoners from the province of Dacca, and confined in the jail of Calcutta? said, they were, by a warrant granted by Mr. Justice Hyde, who committed them to the common jail at Calcutta. Being asked how long they continued in prison? said, eleven months at least. Being asked, if there was an offer made to bail them? said, that it appeared to him that they were committed under a warrant that was bad, both in form and sustance, and moreover that they were by no means objects of the jurisdiction of the court; he therefore moved the court, that they should be either discharged from confinement, as committed under a bad warrant, or that they should be admitted to bail, on the special circumstances of the case. The court admitted the warrant to the bad, but instead of releasing the prisoners, amended the warrant, and refused to admit them to bail. One session of oyer and terminer was held some time subsequent to the commitment of these prisoners, at which, convinced of the goodness of their case, he had pressed to bring on their trial to the utmost of his power, but to no purpose, as the prosecutor positively refused so to do.

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He did not make the motion for bail or discharge till after that session of oyer and terminer, and he thought this refusal a strong additional reason to make the above-mentioned motion. Being asked, whether these prisoners were kept in irons? said, that application was more than once made to him on their behalf, stating, that they were very heavily ironed, insomuch that the irons had eat into their flesh, and that they were apprehensive of a mortification taking place; and that the other hardships they underwent in prison, were so great, that they were scarce able longer to support nature. That he laid these matters before the court; the facts were enquired into, and found to be in a great measure true; and the nature of their confinement was made easier to them in consequence thereof. Being asked, when these prisoners were brought to trial, did it appear that they were subject to the jurisdiction of the court? he said, no; pleas to the jurisdiction were put in to all the indictments, and from the evidence of the first witness produced on the part of the prosecution, it appeared to the satisfaction of the court that the defendants were not objects of its jurisdiction, and they were discharged accordingly. Being asked, if these men obtained any redress against their prosecutors? said, none that he knew of. Being asked, if he knew whether this prosecution was expensive? said, that he had heard, and had every reason to believe, that it did not cost the defendants and their principals, a less sum than 3000l. sterling. Being asked, if this expence was defrayed by the East India Company? said, not one shilling of it.

Your committee proceed next to report, in a summary manner, several cases which have come under their inspection, where the jurisdiction of the supreme court has interfered with the collections of the public revenue, and the right of zemindars, and controul over the chief criminal magistrate of the three provinces.

Your committee proceed to state the case of Seroop Chund, who was committed to custody by the provincial council of Dacca, and released by the authority of the supreme court, and more particularly, because in this case, more than in many others which are made subject of complaint against the court by the servants of the East-India company, the grounds upon which the supreme court asserted the legality and propriety of their own jurisdiction, and denied the competency of that authority exercised by the former, are very fully discussed in the argument delivered from the bench.

Seroop Chund was committed into custody by the provincial chief and council of Dacca, for an arrear of revenue alledged to be due from him to the company, as malzamin or surety for the rents of a district called Deccansavagepore, and also for a considerable balance of cash alledged to be paid into his hands, as cazanchy or treasurer of the revenues of that provincial division. The former claim he disputed; the latter he acknowledged to be just, but refused to discharge. The reasons for this refusal not appearing satisfactory to the provincial council, they continued their restraint upon Seroop Chund, declaring, in their letter to the governor general and council, dated August 26, 1777, that as that was the first instance they have experienced of resistance to the orders of government, and denial of its claims, and had been made by a person holding one of the principal offices under that council; the release of Seroop Chund, after his public defiance of their authority, would render nugatory any future exertions of the powers vested in them for obtaining

taining payment of the company's revenues; and Seroop Chund, after a personal examination before the provincial council on the subject of both claims, was declared by them to be dismissed from his post of treasurer, as unworthy the trust he held.

And your committee find, that at this time, an order had been given from Mr. Justice Hyde, with a rule to shew cause why a writ of habeas corpus should not issue to the provincial council, to produce the body of Seroop Chund; and the justice not being satisfied with the reasons exhibited to him by the company's attorney, who applied to him for that purpose, ordered a writ of habeas corpus; in consequence of which, Seroop Chund was delivered up by the provincial council. It does not appear that he had then paid any part of the arrear of revenue, and of 69,749 rupees (or about 7000l.) the balance of treasure acknowledged by him to be due, no more than 9750 rupees (or about 1000l.) had been received. But in a subsequent letter from the company's attorney, dated 24 days after Seroop Chund's dismission from his office, the provincial council had recovered 46,511 sicca rupees (about 5000l.) of the treasury balance; and there still remained due upon that article 22,238 sicca rupees (about 2500l.) and on the arrear of revenue 10,000 sicca rupees (about 1200l.)

And when the return to the writ of habeas corpus came to be argued before the court of the 19th of September, 1777, the council for Seroop Chund moved to quash his own writ for informality, which was granted; and an amended writ was served in court upon the nazir or officer of the provincial council in whose custody he had been; and the counsel for the company asked for a longer term to make a return thereto, "Because the governor general and council considered this business in so very serious a light, and a thing of such consequence to the company's revenues and collections in the country at large, and in the district of Dacca in particular, that they wished to have the highest authority possible, either to confirm them in the exercise of their jurisdiction, or to abolish that jurisdiction entirely, and by that means effectually to put a stop to the collections." But no longer term was granted than the following day; and it was declared by Mr. Justice Le Maistre, senior judge then on the bench, that Seroop Chund appeared to have been confined with a severity not usually practised upon prisoners for debt, so that he could not eat, or perform the ceremonies of his religion, and the court could not, without injustice, refuse an immediate return to the writ. However, it appears, that the allegation of unusual severity in the confinement of the prisoner, was denied by the other party, and their exculpation from this charge was supported by affidavits of the officers of the khalsa (or exchequer) supposed to be particularly conversant in the ancient usages and customs of the country government.

And it appears by a letter from the company's attorney, that the return was argued in court the ensuing day, being the 20th of September, 1777; that the company's counsel again moved for a longer term, complaining of the shortness of the time allowed, being only 24 hours from the serving of the writ, that enquiries might be made into circumstances which were judged dubious, and answers might be received from Dacca, to points it was absolutely necessary to ascertain, which, from the distance of that place, your committee understand would require at least six days; and offered, that Seroop Chund

Chund should in the mean time be permitted to go out on bail twice in the day to eat; and that the said motion was not granted by the court: that then the company's counsel proposed to give the prisoner enlargement upon bail, so that he should not leave the settlement: but "that the two judges present would not accede to any terms, unless a total release was given to the prisoner, without restraint or confinement to any place; and the security to be given was, that he should appear and pay any sum of money which any competent court of judicature should adjudge to be due to the united company of merchants of England trading to the East Indies." And the attorney says, he did not acquiesce in this kind of release, nor to a bail-piece so worded, as thinking it "either entirely nugatory, or liable to many litigations with regard to the opinion of the judges present, as to the competency of the court which might decide hereafter on this matter."

And for the grounds upon which the supreme court resolved to release Seroop Chund from the custody of the officer of the provincial council, and disallowed the competency of their judicial acts as a corporate body, your committee beg leave to refer to a long argument delivered by the late Mr. Justice Le Maistre upon that occasion; in which he declares his construction of the act of the 13th of his present Majesty, as far as relates to the authority thereby intended to be given to the governor general and council, in the management and collection of the revenues; and upon which act, the governor general and council have always claimed and exercised, by themselves or their servants, the power of confining persons in order to enforce payment of their rents and revenues in the provinces of Bengal, Bahar, and Orissa; and exclusive of the public arguments advanced by the judge who pronounced the decision of the court, your committee find it is declared, that there are other reasons for Seroop Chund's release, arising from the affidavits made before Mr. Justice Hyde, upon which the writs were grounded, containing accusations of great oppression, and imputing to very unjust motives the severity exercised against Seroop Chund. but the particulars of these affidavits do not appear to have been filed of record in the proceedings of the supreme court upon this decision; however, your committee find, that a letter was immediately written to Mr. Justice Hyde from the governor general and council, desiring, as Mr. Justice Le Maistre's argument alluded to charges of a very criminal nature against some person or persons, whose names are not mentioned, but who could be no other than servants of the company, or persons acting under their authority, that he would be pleased to furnish copies thereof.

Your committee do not find, amongst the papers referred to them from the East India House, any answer from Mr. Justice Hyde to the above requisition; but judging it proper, upon so public an accusation, thrown out by a judge upon the bench, to ascertain, as far as in them lay, whether the provincial council had, in their proceedings against Seroop Chund, acted from a sense of their duty in securing the company's revenue, and justly punished a public servant for contumacy and embezzlement; or had been instigated by motives of private resentment; directed the clerk of the East-India company, who attends your committee, to make particular search in the subsequent consultations of the governor general and council: and he has reported in consequence, that he does not any where find an answer from Mr. Justice Hyde,

or any copies of the alledged affidavits, nor any thing farther relating to this subject than what is said by the governor general and council, upon referring the whole proceedings to the attentive perusal of the court of directors in the 84th paragraph of their letter, dated Fort William, the 18th of November, 1777.

Your committee, in the course of their examination, find, that the supreme court have construed their jurisdiction equally to extend over the lands as well as the persons and personality of the zemindars. Your committee deemed this claim a matter of very great importance, and in a peculiar manner to merit the attention of the House; as the proceedings of the supreme court of judicature, on this case, appears to be a formal declaration of law, that the zemindaries are subject to the payment of the debts of individuals, independent of the controul of that power from which alone the zemindars derive their authority.

Your committee perused the 26th paragraph of the revenue letter from the governor general and council to the court of directors, dated the 19th of August, 1778, in which it was stated, that they had been unable to collect any rents from the zemindary of Futty Sing, owing to a warrant of sequestration from the supreme court, to satisfy a private debt; that a serjeant had been sent up to execute this warrant; that he had sealed up the cutchery (public court) and dufters (records) of the revenue of the zemindary, and put a total stop to the collections. Your committee observe, that in the 28th paragraph of the same letter, the governor general and council inform the court of directors, that they thought it necessary to institute a suit in the supreme court of judicature against the sheriff or his officer, for the loss which the company had sustained in the collection of the revenues by the aforesaid acts, estimating the loss by the monthly kists, or payments, from the time of the arrival of the sheriff's officer.

Your committee observe, that in the revenue letter from the governor general and council to the court of directors, of the 4th of December, 1778, they state, that publication had been made by order of the supreme court of judicature, for the sale of the zemindary, on the suit of the same parties; the governor general and council state to the directors, that, having obtained a copy of the publication made by the sheriff, for the sale of the above zemindary, and being of opinion, that the intended act of the sheriff was contrary to the law and immemorial practice of that country, by which no zemindary can be alienated or transferred from the actual zemindar, or new zemindar admitted, without the consent and formal sanction of government; and that if the sale was permitted to take effect, it would not only be subversive of the rights vested in the company and in this government, by the clause of the late regulating act of parliament, which enacts, "that the ordering, management, and government," &c. &c. but might eventually affect the rights of every zemindar in that country; they, therefore, unanimously resolved, that an advertisement should be published, giving notice, that no sale or alienation of a zemindary could be valid, without the consent and concurrence of the governor general and council first had and obtained; and, as a mark of respect to the judges of the supreme court, the governor general and council informed them of the advertisement by the sheriff, and of the resolution they had taken thereupon; submitting it to their judgment, to issue such farther orders and

and instructions to the sheriff for his better guidance, as the nature and circumstances of the case, and the danger of establishing such a precedent, might appear to them to require.

Your committee observe, that the governor general and council write to the court of directors, in the letter already quoted, that they had judged it adviseable to direct the commissioner of law-suits to assure the sheriff, that if, in conformity to the opinion which had been given in their late publication, he would remove his seals, and return his writ against the zemindar, Futty Sing, *nulla bona*, they would defend the suit which might be brought against him in consequence by the plaintiff. The governor general and council remark, that this proposition to the sheriff was conformable to an offer which he had previously made to the commissioner of law-suits. The governor general and council farther add, that the court of directors must be sensible of the embarrassments they labour under in being thus obliged to give indemnifications at the suits of individuals, but they remark, that it is the least evil to which the government of Bengal is exposed, and the only mode which remained to prevent consequences of a more alarming and dangerous tendency.

Your committee observe, in the proceedings of the governor general and council, in their revenue department, of the 21st of December, 1779, that there is a letter to their board from Mr. Maxwell, and the provincial council of Patna, of the 13th of December, stating, that Rajah Akbar Ally Cawn, zemindar of the pergunnahs Narhut and Samay, had presented an arzee as follows:

Copy of the arzee from Rajah Akbar Ally Cawn.

" There is an European with a warrant sent to me from Calcutta, on the complaint of Neel Kungal Narrain, and Dutt Narrain, bramins They have represented their case thus, " We Delivered in an arzee to the Patna council " which was ordered to be translated, and the gentlemen promised they " would send us away satisfied ;" but that afterwards on receiving 20,000 rupees from me (Akbar Ally Cawn) they would not listen to the bramins : in consequence of this, the warrant has been sent. As yet, both I and my people have kept out of the way, and it has not been served upon us, for we are afraid of being immediately carried to Calcutta. I am in possession of lands belonging to the company, to the amount of some lacks of rupees ; should I be taken away, it will be attended with a considerable loss to government. The hircarrahs of the court are continually on the watch for me and Nutty Khan. I wish for your orders, whether I shall deliver myself up or not. I request you will immediately write to Calcutta to have the warrant withdrawn, and that you will give direction to the person who brought it, to forbear searching for me, and interrupting the collections. I also hear that Mohun Loll has taken out a warrant against me, on account of balances due to him in this pergunnah, by people who are not able to pay him ; he therefore wishes to make me accountable."

The provincial council at Patna informs the council general, that an arzee from those bramins was presented to their board on the 16th of April, 1778, stating, that the zemindaries of Narhut and Samay were their inheritance ; that Dyanat Khan and Agimerry Cawn, Afghauns, were servants to Serry Narrain, son of Chowdry Dirge Narrain, and Hurchunden, their grandfather ; that they having ungratefully murdered Chowdry Dirge Narrain and Buder

 Narrain,

Narrain, and plundered all their effects, their brothers absented themselves to different places for fear of Amanut Cawn.

That these bramins, in consequence of the proclamation from the council of Patna, attended them, and requested a perwannah, or order, to be put in charge of the zemindaries as formerly. The provincial council of Patna state, that these claimants, as also the vakeel of Akbar Ally Cawn, attended the board. The claimants were asked, how long it was since their ancestors were dispossessed of their zemindaries? to which they replied, about sixty or sixty-five years. The provincial council of Patna thought all farther enquiry was unnecessary as the parties acknowledged that they had been out of possession for a length of time, the fourth part of which would suffice to invalidate their pretensions, and accordingly dismissed the claim.

The provincial council of Patna state, that as to the 20.000 rupees alledged to be given to them by Akbar Ally Cawn, the zemindar, it is a malignant falshood.

The provincial council at Patna represent to the council general, that as the zemindar Akbar Ally Cawn has applied to them for protection against the arrest, which they cannot grant, yet they take the liberty to represent, that if zemindars are made amenable to the jurisdiction of the supreme court and their persons liable to be seized and carried to Calcutta, the consequences must be fatal to the revenue and peace of this country. They [illegible] represent, that they cannot think themselves responsible for its [illegible] their endeavours may at all times be opposed by the interference of the court, which they conceive will not only cause a total loss of the [illegible] excite a general rebellion of the zemindars throughout the p[illegible]

The provincial council farther add, that to prove [illegible] ing the immediate orders of the governor general and council [illegible] they inform that board, that a precept of the supreme court has been [illegible] jah Mahdoo Sing, zemindar of Tarnoot, and on Modun [illegible] [illegible]ncipal talookdars; and the provincial council add, they [illegible] y others are daily expected.

Your committee find, on the same day's consultations, a letter from the governor general and council to Mr. Ewan Law, chief, and to the provincial council of Patna, referring them to their general orders of [illegible] that month; inclosing copies of notification, in the Persian and Bengal languages, to be made to all the zemindars, chowdries, &c. and which [illegible] then repeated. The governor general and council farther directed the council of Patna to inform the zemindars of Narhut and Samay, and of [illegible], that they were not subject to the jurisdiction of the supreme court, and in that character they were not to yield obedience to its warrants of any [illegible].

The governor and council general also add, that, apprehensive from what has lately happened, that the sheriff might employ military force to enforce the writs of the supreme court, they caution the provincial council of Patna to be on their guard against any such allusion; and on the first notice of the appearance of any bodies of armed men in the province of Bahar, by what authority soever they may have been deputed, excepting by the regular orders of the government, that they do immediately take the most effectual means to apprehend them, and, if necessary, that they apply to the officer of the nearest military station for assistance.

Your committee obſerve, that in the proceedings of the governor general and council, of the 10th of December, 1779, Mr. Francis, one of the members of the ſupreme council, delivers in a minute relative to the zemindar of Powah Colly, in the province of Purnea; the board, in conſequence, do call upon Mr. Harwood, the chief of the provincial council of Dinagepore, to inform the board what he knows relative to the proceedings againſt Hurry Sing, the zemindar of Powah Colly.

Your committee find, that Mr. Harwood, in his letter of the 20th of December, 1779, to the ſecretary of the council, ſtates as follows: That in the Bengal year 1182, or 1775, one Aman Ullah claimed ſome lands, ſituated in the pergunnah of Powah Colly; but that the zemindar denied his right, and refuſing to relinquiſh them, an affray enſued between the parties, in which one man was killed: the officers of the phouſdarry court examined into the circumſtances, and as it appeared that the zemindar Hurry Sing and Aman Ullah were both, in ſome meaſure, culpable, they were both ordered into confinement, that ſome time after their releaſe from this confinement, Aman Ullah cauſed another complaint to be preferred to the nabob, in which he ſet forth, that Hurry Sing had murdered his wife's brother: in conſequence of this accuſation, the officers of the phouſdarry court were directed to conduct the zemindar to Mooríhedabad, that he might be tried before the nabob; but that on the road thither, they were met by an European bailiff, who took their priſoner from them, and carried him to Calcutta; Aman Ullah having inſtituted a ſuit for debt againſt him in the ſupreme court of judicature.

Mr. Harwood farther ſtates, that he heard the zemindar was confined in jail there a conſiderable time, but did not know by what means he obtained permiſſion to return to Purnea; and he alſo adds, that upon the zemindar's arrival at Purnea, he was again put into confinement by the phouſdarry officers. Mr. Harwood farther relates, that ſoon after this, another European, with a warrant, came to Purnea; and hearing that Hurry Sing was confined in priſon, that the ſerjeant went there at night; a guard was at the door, the ſerjeant forced his way in, and examined the priſoners. Hurry Sing, however, eſcaped, and hid himſelf in ſome of the neighbouring huts for a few days; but having heard, that the peons of the court had gone to his houſe in the country, and troubled his family, he ſurrendered himſelf to the bailiff. Mr. Harwood relates, that the provincial council of Dinagepore upon this occaſion addreſſed the governor general and council; and, in conſequence of their orders, he adviſed the zemindar to apply to Mr. Naylor, the company's commiſſioner of law-ſuits, and to produce evidence to prove his independency on the juriſdiction of the court; that the provincial council wrote to Mr. Naylor, and received his anſwer; from which they underſtood that Hurry Sing had before pleaded to the juriſdiction of the court, but as the plea did not iſſue, it was neceſſary he ſhould defend the preſent cauſe, and afterwards proſecute Aman Ullah for a litigious ſuit; however, the plaintiff dropped his proſecution, and Hurry Sing again returned to Purnea. Mr. Harwood farther relates, that a few months afterwards, another warrant (and he was told on the ſame complaint as the former) accompanied by Aman Ullah and the ſheriff's officers, came again for the zemindar, Hurry Sing, and carried him a third time to Calcutta; that the zemindar, after remaining in confinement there a conſiderable time, procured his releaſe, and was then at Purnea.

Your committee obferve in the proceedings of the governor general and council of Bengal, in their revenue department, of the 10th of December, 1779, a letter from William Holland, provifional chief, and the council of Dacca, to the governor and council, inclofing the copy of a writ iffued by the fupreme court of judicature; and ftating, that without the knowledge of Mr. Lodge, who was the refident at Belluah (a pergunnah dependent on the Dacca divifion) an European ferjeant of the fupreme court, ejected the poffeffors of the lands, ftiled Henry Robinfon in the writ, and gave poffeffion to John Doe, viz. Ajooderam; although the former held them upon a decree paffed in the adaulut againft Chundermoney and Sherbeffar, from whom John Doe, as appears by the writ, derives his title.

It appears to your committee, that when Mr. Shakefpear, who was chief of the Dacca council, returned to his ftation, he determined not to permit the writ of ejectment from the fupreme court to operate in any diftrict under his charge, without the exprefs orders of the governor general and council; and therefore he, in conjunction with the provincial council, appointed a fezawul, or temporary collector, on the part of government, over the Patparrah Talook, and to publifh a proclamation, prohibiting the ryots under the faid talooks from paying their rents to any perfon whatever, but the fezawul fo appointed; and their lands to be held anfwerable for fuch rents, without any abatement for payments that may be made to any other perfon whatfoever.

It appears, that the governor general and council approved of the conduct of the provincial chief and council of Dacca, and directed that a new notice fhould be circulated to all the zemindars and talookdars, defcribing what clafs of perfons were fubject to the jurifdiction of the fupreme court.

Your committee obferve in the proceedings of the governor general and council, in their revenue department, of the 9th of May 1779, a letter from Mr. North Naylor, attorney to the company, reprefenting that actions at law had been brought againft Sudder al huc Cawn, the naib nazim, or viceroy of Bengal, by Cojah Zekeriah, and others, for the feizure and imprifonment of them at Moorfhedabad. It ftates, that the plaintiffs are perfons againft whom had been alledged the commiffion of forgery; and that they were fent down from Patna to Moorfhedabad, to wait the decifion of the naib nazim, on the trial they had undergone before the officers of the phoufdarry court; but on being ferved with fubpœnas from the fupreme court, had been fuffered to proceed to Calcutta, previous to any judgement being paffed on their innocence or criminality.

Your committee find, that the governor general and council refolved, that the company's attorney fhould be directed to defend the actions brought againft Sudder al huc Cawn, naib nazim, by Cojah Zekeriah, and others, for the feizure and imprifonment of them at Moorfhedabad; and the advocate general was directed to plead to the jurifdiction of the court, and if that plea was overruled, to proceed on the merits of the caufe.

And your committee obferve, that in a letter from Mr. Naylor, attorney to the company, of the 1ft of July, 1779, he informs the fecretary to the council that the feveral actions commenced in the fupreme court againft Sudder al huc Cawn, the naib nazim, were difcontinued by the parties.

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Your committee find, that the supreme court of judicature have exercised jurisdiction over the naib Subah, or nabob's deputy, in the three provinces. The naib subah is an officer who holds his appointment from the nabob of Bengal; he presides in a court composed of various persons skilled in the Mahomedan laws, which court superintends the whole criminal jurisdiction of the three provinces: the provincial officers of criminal jurisdiction receive their appointments from him, and make a monthly report of the proceedings of their respective courts to him; and no capital sentence can be carried into execution, until such sentence is confirmed by the naib subah, or the nabob himself. Your committee observe, that in a minute made by the governor general of the 9th of March, 1780, he states, that Sudder al huc Cawn, the late naib subah of these provinces, had a writ of habeas corpus served upon him in his durbar, or court, by a sheriff's officer, in the month of January, 1779—That Sudder al huc, being apprehensive of doing any act which might be construed an acknowledgement of his subjection to the jurisdiction of the court, and at the same time cautious to avoid offence, he desired the officer to leave the writ on a chair in his presence. The officer on his return made affidavit of the fact, with such a colouring of it, as induced the judges to regard it as an insult offered to their authority, and immediately to order an attachment to issue against him. The governor general farther states, that fortunately the execution of the writ was stayed by an affidavit of the commissioner of law-suits, which afforded him time to use his influence for preventing it ultimately from taking effect; and that he was alarmed for the consequences which would follow from such an outrage so publickly offered to the person of the man, in whose hands was placed the whole criminal jurisdiction of the provinces, if permitted; and which could only be prevented by means which he dreaded as much. The governor general adds, that he prevailed upon Sudder al huc Cawn, to write a letter of concession to the chief justice. The supreme court ordered, that the writ of attachment should not issue out of the office of the clerk of the crown, until the first day of the next term, and until farther order. The governor general concludes with remarking, that the writ was never afterwards enforced or noticed, but remained impending as a terror over the head of the naib nazim, until the day of his death; and he believes that it exists event to the day he wrote that minute. Your committee find some strong observations on the proceedings of the supreme court against Sudder al huc Cawn, in the letter of the governor general and council to the court of directors, of the 25th January, 1780.

Your committee being solicitous to ascertain the extent to which the laws of England have been administered by the judges of the supreme court of judicature, over the native inhabitants of Bengal, Bahar, and Orissa, perused volumes of records ordered from the East-India company.

Your committee find, that the nature and powers of the dewannee adaulut are set forth in the seventh report of the committee of secresy; and Mr. Boughton Rouse informed your committee, that in consequence of a determination made by the judges, in the case of an habeas corpus, in 1775, the dewannee adaulut of the town of Calcutta, was annulled; and all causes concerning property within the town, between native and native, have since been tried by the supreme court only. And it does not appear to your committe, that the dewannee adauluts out of Calcutta, have undergone any

material change in their conſtitution ſince the year 1772, when a general plan was formed, which was alſo laid before the Houſe in the ſeventh report of the ſaid committee of ſecreſy. But it does appear, by the evidence of Mr. Boughton Rouſe, that the controul which was given by the fourth article of the regulations above mentioned, to the Engliſh chiefs or collectors in the department of criminal juſtice, was entirely taken away by a regulation of the governor general and council about the month of February, 1776, when the whole criminal juriſdiction of the provinces was committed to the direction of the naib ſubah, or nabob's deputy.

Your committee thought it their duty to obtain all poſſible information reſpecting the practice of the ſupreme court, as well as on the expence of ſuits inſtituted there; and for this purpoſe they examined Mr. William Hickey; who informed them, that he practiſed as an attorney at Bengal, for eighteen months, from November, 1777, to May, 1779 —That he ſerved his clerkſhip with his father in England—That the expence of proſecuting a ſuit in Bengal, is, he believes, treble to what it would be in England—That the fees of court are eſtabliſhed in the rules of practice ſettled by the judges, and approved by the governor general and council—That the fees to the counſel are three times as much as thoſe in England—That the largeſt fee he ever gave was fifteen gold mohurs—That a gold mohur is worth about thirty-four ſhillings—That if the cauſe continued more days than one, the fee was repeated daily; and that a cauſe that would in England laſt one day, laſts there two or three days—That the expence is much encreaſed by the diſtance of the place where the cauſe of action ariſes, by the charge of bringing up witneſſes, and the expence of travelling, which, he underſtands, is much greater there than in England—That it is common for a party living at a diſtance, to ſend a vakeel or native agent, who employs an attorney at Calcutta to tranſact his buſineſs; ſo that in that country, every perſon, having a cauſe, and not attending himſelf, muſt employ an attorney and a vakeel. Being aſked, what was the firſt proceſs iſſued by the ſupreme court, in the different civil actions brought againſt native inhabitants of Bengal? informed your committee, that there are but two ſorts of proceſs, one by ſummons, the other by capias—That the firſt requires an appearance being entered upon the return of the ſummons—That the capias holds to bail; for which reaſon the native plaintiffs always wiſhed to have a capias. Being aſked, in what caſes the ſupreme court iſſues a ſummons? he ſaid, in caſes of debt; if it is under one hundred rupees, you can have no other writ but a ſummons, and that ſummons iſſues of courſe, without any affidavit, if the defendant reſides within Calcutta, or its limits; if out of Calcutta, the plaintiff muſt make affidavit, ſtating how the defendant is ſubject to the juriſdiction. Being aſked, in what caſes the ſupreme court iſſues writs of capias? he ſaid, in debts of above one hundred rupees, and matters of wrong: the perſon complaining makes affidavit of the circumſtances; that affidavit is carried before a judge, who adminiſters the oath, and orders the capias, with bail, in any ſum that he thinks the wrong may require. In actions of debt, the bail is generally double the amount of the debt; but upon this ſubject he begs leave to refer to the rules and orders of the ſupreme court, which have been laid before the committee. Being aſked, whether it is eaſy for the native inhabitants to find bail? he ſaid, it is not difficult for an inhabitant of Calcutta to obtain bail, provided he has money—

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He believes, that in fifteen actions out of twenty, the bail are hired; that if they were not hired, he believes that it would be very difficult to procure bail; that it would be almost impossible for a person coming from any distance to procure bail, unless he used the same means, that of hiring bail; that there are great numbers committed to jail for want of bail; that he believes there are more instances of perjury in the court, relative to bail, than in any other court. Being asked, whether it is customary to oppose bail, when they come to be justified? he said, it is; but he never recollects to have seen bail refused, unless their perjury was evident by prevarication before the court. Being asked, what is the fee to counsel for justifying or opposing bail? he said, one gold mohur to the counsel, which is about one pound twelve shillings sterling. Being asked, when a person made affidavit of debt before a judge, and of the defendant being subject to the jurisdiction of the supreme court, whether it was usual for the judge to examine the plaintiff, as to the particular circumstances which brought the debt within the jurisdiction? he said, such person as he carried before a judge, were always examined very strictly; but with other attornies that was not the case—That he has seen the judge grant writs of capias, without asking any questions of the person making such affidavit. Being farther asked, whether writs were ever refused on affidavits offered by him? he said several, and that two were afterwards granted upon the application of Mr. Wroughton, his clients having quitted him and employed Mr. Wroughton. Being asked, if they were granted upon farther examination, or fresh affidavit? he said, the affidavit of course was re-drawn, but there was no new matter in it. Then being asked, to what judge he alluded? he said, to Mr. Justice Hyde, the only judge who acted in Calcutta in business out of court, after the death of Mr. Le Maistre, who died some time in the month of November, 1777, a few days after the witness's arrival in Calcutta. Being asked, how it came that Mr. Justice Hyde was the only judge that transacted this part of the business? he said, from his being the only judge resident in Calcutta. Being asked, whether in any actions of wrongs, and for debt of above one hundred rupees, a native can plead to the jurisdiction, and have that plea tried without giving bail, or going to jail? he said, most certainly not. Being asked, what would be the expence of a plea to the jurisdiction of the court in a common case, where the defendant resides at no great distance from Calcutta? he said, he supposed full five hundred rupees, two hundred of which would be allowed on the taxation between party and party, if his plea was admitted; but that if the native was resident in a distant province, it is impossible to say what the expence might amount to. Being asked, if he had any opportunity of knowing what description of men the supreme court of judicature think themselves impowered to subpœna as witnesses? he said, he believes they think themselves empowered to subpœna persons of all ranks; that he has known rajahs subpœnaed as witnesses; that he heard the chief justice declare from the bench, that in case of refusal of any person so subpœnaed to attend, or even of a person absenting himself, in order to avoid being served, that the court was empowered, and would most certainly inflict corporal punishment; and that the clause by which they were so authorised, was inserted in the charter at his express desire. Being asked, whether in causes of long duration, or great consequence, the expences in that court are not very heavy? he said, yes; that the most expensive cause he ever

managed in that country, was for Colonel Watson, which was concluded within the third term, and that his bill amounted to upwards of seven thousand sicca rupees, or eight hundred pounds; that in the Patna cause, the plaintiff's attorney's bill, some time before the conclusion of the cause, amounted to upwards of forty thousand sicca rupees, about four thousand five hundred pounds; that this was told him by Mr. Wroughton, one of the attornies in the suit. Being asked, if he knows any thing of the number of causes annually tried in Calcutta? he said, he supposed, that in the time he resided there, there were upon an average at least fifty in each term and sittings, and there are four terms in a year. Being asked, whether it often happened that a single judge formed a court for the decision of civil or criminal suits? he said, it was very frequently the case, and once during his residence, almost for a whole term and sittings. Being asked, if that single judge exercised the power of assessing damages for personal injuries? he said, he acted in the same manner as if the four were present. Then being asked, whether he thought in the course of his practice, that substantial justice had often failed of being obtained, for want of legal formality in the instruments exhibited to support the claims? he informed your committee, that in many instances it had, particularly in agreements between Europeans and natives, and that some of these agreements had been made before the establishment of the supreme court of judicature.

Then Thomas Farrer, Esq. a member of your committee, was asked, to what did he attribute the abolition or suspension of the court of dewannee adaulut of Calcutta? he informed your committee, that the supreme court of judicature has uniformly, as he has always understood, held, that all the inhabitants of Calcutta and its environs within the limits of the Mahratta Ditch, of whatsoever description, are in all cases, both civil and criminal (save in matters of revenue due to the East India Company, and such trifling matters as come within the cognizance of the court of conscience) subject to the jurisdiction of that court, exclusive of all other courts whatsoever; and that no native court has a concurrent jurisdiction with the supreme court. To this general principle, strictly adhered to in practice, he attributes in a great measure the abolition or suspension of the court of dewannee adaulut, within the town of Calcutta. And being asked, if during the time of his practice as a barrister at law in the supreme court, he had known any considerable instance of relief afforded to the natives against the oppressions and exactions of Europeans in power, or banyans acting under them? said, from the very great variety of business that came before him, he cannot at this distance of time pretend to point out particular instances; there have been instances no doubt, such as bonds pleaded to have been obtained by duress; notes or tepes given to Europeans, or their banyans or servants, without any pecuniary consideration; and actions of assault or battery, against natives employed by the government of that country, in which, relief by the court has been given to the respective parties; but said, these cases are but few in number, and of inferior consequence, such at least as at present strike his memory. Being asked, if he ever heard that the late Mayor's court at Calcutta was remarkably deficient in affording redress to cases of that nature? said, that from the idea he entertained of the integrity and impartiality of that court, he conceived that redress would have been granted in all the cases by him above alluded to, supposing

posing that court to have had jurisdiction over them. Being asked, if he thought that the natives would have been afraid of applying for redress to a court so constituted? said, that in many cases he thought they would; and that the constitution of that court, considering the extent of territory and influence our nation now possesses in that country, was very defective. Being asked, if he knew of any instances in the supreme court, in which the parties failed in obtaining substantial justice, from the defects or errors in the forms of proceedings? said, a great many, no doubt. Being asked, whether the transactions of that country are easily reconcileable with the strict observance of the forms and proceedings of our court? said, no, in many cases very difficult. Being asked, whether the rules of evidence observed by that court, are any obstruction to the obtaining substantial justice? said, he thought not; difficulties frequently occurred, but they were generally got over, and in several instances the court gave it to be understood as a matter of favour, rather than a matter of right. Being asked, whether he did not think that a more simple mode of proceeding than that used in the supreme court, would be conducive to substantial justice, without injury to the certainty of legal proceedings? said, that both in the constitution of the court, and in the forms and practice, he thought that many improvements might be made. Being asked, if he had not had an occasion to form an opinion in the course of his practice, that the natives of Indostan are less scrupulous of perjury than in other nations? said, they are extremely apt to evade and equivocate, and from the difference between the idiom of their language and ours, joined to the natural dispositions above mentioned, with the additional circumstance of their evidence being taken from the medium of an interpreter, who does not always well understand our language, he has frequently found it impossible to get a direct answer from them, but in many cases, direct, apparent contradictions appear between the evidences produced by the different parties. Being asked, if he recollected any instances of men, who had been sentenced as criminals to work on the roads, being released by the authority of the supreme court? said, that at the time of the establishment of the supreme court, many persons of this description in the town of Calcutta were confined by the authority of the country courts of criminal jurisdiction. By a reference to the proceedings of the governor general and council, he believes it will be found, that various messages and applications passed between the judges, or some of them, and the governor general and council touching the release of such persons; that the governor general and council declining to discharge them, he has heard and believed, that most or all of such persons were discharged by the authority of some one or more of the judges. Being asked, what was the consequence of this general release? said, great disorders ensued by the commission of a great number of robberies in the town and environs of Calcutta; some of them, as he has heard and believed, by a number of armed banditti in open day: the general opinion was, that these disorders proceeded from the release above mentioned, and the consequent suspension of the authority which confined them; insomuch, that the officer called superintendant of police, was permitted to resume his functions in the usual manner. Being asked, whether the superintendant of the police acted as an officer of the phousdarry court, or whether he proceeded according to the strict rules of the English criminal law? said, he was certainly an officer

or perſon employed by a criminal juriſdiction of the country, and has not, as he conceived, any connection with the Engliſh laws. Being aſked, what rule the court obſerved in granting writs of habeas corpus? ſaid, the ſame rule, he conceived, as in the iſſuing all the other proceſs of the court, that is, taking care that a proper ground is made to them, to ſhew that the perſon, in whoſe cuſtody the perſon applying for an habeas corpus is charged to be, is an object of the juriſdiction of the court. Being aſked, whether in actions of wrong, or for debt of above one hundred rupees, the defendant can plead to the juriſdiction without giving bail or going to jail? ſaid, that ſuppoſing an order to be made by a judge for holding a defendant to bail; in that caſe he certainly cannot plead to the juriſdiction of the court without giving bail, or as a priſoner. Being aſked, if bail for large ſums was eaſily obtained in the provinces? ſaid, that muſt entirely depend upon the degree of credit that the defendant poſſeſſes; but in general he ſhould think it difficult; and for the moſt part, during the time he was in the country, defendants of this deſcription were generally brought to Calcutta for want of bail. Being aſked, if the court ever granted an habeas corpus to bring up the body of a Mahomedan or a Gentoo woman? ſaid, that he was concerned as counſel in one ſuch inſtance; a return was made, ſtating, that this woman could not be produced in court without diſgrace, and therefore ſubmitting it to the court, that the matter ſhould not be farther proſecuted: there being no oppoſition made to this return, the court obſerved, it muſt for that reaſon be received, and filed *ſub ſilentio.* Being aſked, if he had any opportunity of knowing what deſcription of men the ſupreme court of judicature thought themſelves empowered to ſubpœna as witneſſes? ſaid, he believed they ſubpœnaed all perſons of what deſcription ſoever, in the provinces of Bengal, Bahar, and Oriſſa.

Your committee again examined Mr. Joſeph Price; who being aſked, if he knew of the releaſe of the zemindary priſoners, by order of the judges, or any one of them? he ſaid, he remembered it very well—That all the inhabitants of Calcutta were extremely alarmed at it—That he was obliged to be at the expence of ſix or eight peons to guard his own property, which he thought before very ſecure—That his agents and ſervants daily brought him accounts of unuſual robberies, and other violences, committed by the priſoners who had been diſcharged—That many of the European inhabitants returned to their houſes more early than uſual, to ſee their property ſecured, which they thought in as much danger from the releaſe of the convicts, as the people in England would from a general releaſe from all the priſons and ballaſt lighters.

Being aſked, if the ſupreme court had proceeded upon the ſtrict formalities of Engliſh law courts, or with the diſcretion formerly exerciſed by the Mayor's court, as a court of equity? he ſaid, they have proceeded upon the ſtrict formalities, with a ſeverity inconceivable to the natives—That in the Mayor's court the proceedings were very ſimple and plain, and as few technical terms permitted to be uſed as poſſible by the attornies or lawyers, in order that the inhabitants who underſtood Engliſh, and who were preſent in the court, might underſtand the proceedings of that court. Being aſked, if he thought many inſtances have ariſen in ſuits, either of natives or Europeans, where a rigid adherence to ſtrict legal formalities has prevented ſubſtantial juſtice? he ſaid,

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he thought it had not only prevented substantial justice, but had prevented people applying to the supreme court of judicature for justice.

Being asked, if there was not a great respondentia cause before the supreme court of judicature, whilst he was at Calcutta? he said, he was summoned by the court to give his opinion upon a respondentia cause then depending; when the form of law totally destroyed all their customs in India, in the mode of lending and borrowing of money on respondentia, and rendered his experience of more than twenty-five years insignificant. Being asked, whether in consequence of the decision passed in that instance, merchants were not obliged to make an entire alteration in the form of their respondentia bonds throughout India, in order to give them a legal validity? he said, they certainly were; and that the same remark applies to every instrument and obligation usually made between man and man, that they had very little law before the institution of the court, but a great deal of justice.

Your committee then examined Mr. John Mills, who said, that he had resided in Bengal twenty-one years—That he left it the 14th of January, 1778—That he was superintendant of the police. Being asked, whether he knows of any circumstances of certain criminals sentenced by the phousdarry court of Calcutta to work on the public roads, being released by order of the supreme court, or any judge of that court? he informed your committee, that he received a note from Mr. Justice Le Maistre, whilst he was superintendant of the police, informing him that on the following day he should be served with an habeas corpus, to bring up all the prisoners that were under his charge, before the supreme court, at the court-house—That the note recommended to him to deliver them all up, as he could not assign any legal reason for the detaining those that might have been delivered to him when he received the charge of the office, or such as might have been committed during the time he had been in office. And accordingly on the next day he attended before the court with the prisoners, and delivered them up—That the number of them was between sixty and seventy—About thirty of them had small irons about their legs, and that they were coupled together two and two. Being asked, for what offences these thirty prisoners were put in irons? said, for various kinds of thefts. Being asked, what was the usual term of their sentence for working on the roads? he said, when he received the office some of them were sentenced for life—That after he held the office, the longest term was for six months, and he thinks only two for that time. Being asked, what were the consequences resulting from the release of these convicts? he said, that the native inhabitants of Calcutta were thrown into great apprehensions and alarm, and not without reason—That, as near as he can recollect, one third of the number of these convicts, or more, were taken up for committing various crimes within the space of three weeks—That numbers of the inhabitants, to his own knowledge, hired men to guard their houses, and to protect their persons and property—That upon examining these people when brought before him, they acknowledged that they had no other means of subsistence than by robbing and plundering—That he then sent them to the sitting justice, with the proofs and witnesses of the crimes they had committed, and that they were in general, as he understands, dismissed. Being asked, what effect the conduct of the judges in this part of their proceedings had upon the powers of his office? he said, it took away the whole power, and rendered it totally useless, and an unnecessary

unneceſſary expence to the company—That he was frequently inſulted in the diſcharge of what he thought the duties of it, keeping the peace and protecting the inhabitants.

Then being aſked, by what rule he proceeded as ſuperintendant of the police; whether by the Engliſh or the Mahomedan law, or how otherwiſe? he ſaid, by the Mahomedan law in every reſpect, to the beſt of his knowledge. Being aſked, whether he underſtood the Mahomedan law himſelf, or had any perſon belonging to his court or cutchery who did underſtand it? he ſaid, he did not perfectly himſelf, but he had two natives, one a Moulavie, and the other the dewan of the court, who were deemed competent in the knowledge of that law. Being aſked, who appointed thoſe perſons? he ſaid, they were left to his own appointment. Being aſked, whether the proceedings of his court were recorded? he ſaid, every day. Being aſked, if there was any regular record kept of all thoſe zemindary priſoners releaſed by his Majeſty's juſtice? he ſaid, he did not doubt there was; but he never had it in his poſſeſſion—That he underſtood it was in the office of the ſecretary of the ſupreme council, and was called the proceedings of the court of zemindary.—He farther informed your committee, that he did not hold the office before the eſtabliſhment of the ſupreme court.

Major Rennell was again examined by your committee: and being asked, whether he thinks the people in the country villages can conform themſelves to the Engliſh laws, or take advantage of them to ſcreen themſelves from the oppreſſions of their ſuperiors, without the advantage of one or more reſident Engliſh attornies? he ſaid, he did not think they could, either with or without them. Being asked, whether the Engliſh attornies learn enough of the language in a ſhort time, to be uſeful to the people in their profeſſion? he ſaid, undoubtedly it would be ſome time before they could learn the language; but when they had, he ſhould imagine the inhabitants would not in general employ them; becauſe, before he left Bengal, a general complaint was made of the exorbitancy of their charges. Being asked, what would be the effect of many attornies ſettling in that country? he ſaid, if he could ſuppoſe they could get buſineſs, he ſhould imagine a general transfer of property throughout the province. Being asked, whether the ignorance of the natives in the Engliſh laws and languages would not put them wholly in the power of ſuch attornies? he ſaid, undoubtedly, to thoſe who employed them. Being asked, if ſuch attornies ſhould be corruptly diſpoſed, would they not have a power of oppreſſing and vexing the natives, and doing as much injury to their property as other Engliſhmen employed in the company's ſervice? he ſaid, he thinks they would have more opportunities.

Your committee again examined Edward Baber, Eſq. who being asked, whether Muxadabad is not the reſidence of the Nabob of Bengal, and many men of family and liberal education? he ſaid, yes. And being father asked, whether he had not an opportunity, during his reſidence at that capital, of learning the ſentiments of men of rank with regard to the introduction of the new Engliſh judicature? ſaid, he had many; that he found them uniformly averſe to it; that he has even had applications from men of the firſt rank, to know in what manner they could proceed, in order to be freed from it; and that they have profeſſed to him that they would certainly petition the governor general and council to this purpoſe, if they were not afraid of the

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power of the supreme court—That he has known instances of persons of rank wishing to quit the English territory, from a dislike of this judicature; that Rajah Dolchunt, a principal banker, and a man of the first rank in that class, assured him, that he had been so vexed with summonses, the process of which, to a man of his rank, is a disgrace, that it induced him to go to Benares, out of the jurisdiction of the court, where he determined to reside to avoid these disgraceful processes: and the witness had been informed, that one of the family of the Seats had retired upon the same principle.

Being asked, if men of rank are obliged to leave the country, what effect it would have upon the inferior classes, and whether their condition would be improved by it? he said, he conceives that the effect of monied men leaving any country must be bad, and in that particularly so, because these bankers are the agents through which many of the zemindars, and others, transact the business of their collections. Being asked, what he conceives would be the effect of the judgement of the supreme court, relative to the farmers of lands and their securities being deemed amenable to its jurisdiction? he said, it would totally annihilate the present plan of collections, and prevent the natives of character holding farms, or becoming securities.

Then being asked, whether, if previous to the appointment of the judges, a subordinate officer should have been protected by the governor general and council, or a majority in council, in any misdemeanor or misconduct, was there any redress in Bengal for the sufferers by any such misdemeanor or misconduct? he said, he should apprehend not; because the governor and council, as representative of the dewan or principal officer, have no superior but the court of directors. Being asked, whether he has not heard many complaints of the misbehaviour or misconduct of Europeans, in the service of the company, or other British subjects or natives acting as their agents or servants? he said, he had heard of such complaints. And being asked, whether he thought such complaints were without foundation? he said, he imagined they were not without foundation. Then being asked, whether he does not think it would be inconvenient to the country, if there was no mode of redress nearer to the natives than Westminster Hall, or the Court of Directors? he said, most assuredly.

Then being asked, from his knowledge of the state of Bengal, Bahar, and Orissa, if the jurisdiction of the judges was clearly defined and properly limited, so as to check the abuses which Europeans, or persons *bona fide* their agents, may be guilty of, whether such an institution would not be of great benefit to the country? he said, it is matter of opinion; and in his humble apprehension, it would be of great benefit.

The witness being farther asked, whether the jurisdiction of the supreme court, continued in its present form, would have any tendency to introduce principles subversive of the subordination and well-being of a government so constituted as that of Bengal, Bahar, and Orissa? said, that he thought it certainly would, because the principles of the one are diametrically opposite to the other.

Upon hearing the evidence of Mr. William Hickey, relative to the declaration of the chief justice, Sir Elijah Impey, from the bench, "That in case "of refusal of any person subpœnaed to attend, or even of a person absent-"ing himself in order to avoid being served with a subpœna, that the court "was

" was empowered, and would most certainly inflict corporal punishment." Your committee examined the charter of justice by which the supreme court of judicature in Bengal was instituted; and they do find, in page 12, as follows: —"To which end we hereby authorise and impower the said supreme court of judicature at Fort William in Bengal, at the request of either of the parties, to award and issue a summons, or precept in the nature of a summons, to be prepared in manner before mentioned, directed to every one of such witnesses, commanding him or her to appear at a time and place to be specified in such summons, to depose his or her knowledge, touching the suit so depending between the parties, naming them, and specifying at whose request such summons shall have issued." And in page 13 of the charter, your committee find as follows:—" And in case any person or persons, so summoned, shall refuse, or wilfully neglect to appear and be sworn, or being Quakers, to affirm and be examined, and subscribe their depositions, as the supreme court of judicature at Fort William in Bengal shall appoint, the supreme court of judicature at Fort William in Bengal is hereby empowered to punish such person or persons so refusing, or wilfully neglecting, as for a contempt, by fine, imprisonment, or other corporal punishment, not affecting life or limb."

Your committee then examined the act of Parliament of the thirteenth year of his present Majesty, under the authority of which the said letters patent were granted, and find only the two following clauses which seem to have any relation to this matter:—" That it shall and may be lawful for his Majesty, by charter or letters patent, under the great seal of Great Britain, to erect and establish a supreme court of judicature at Fort William aforesaid, to consist of a chief justice, and three other judges, being barristers in England or Ireland of not less than five years standing, to be named from time to time by his Majesty, his heirs and successors: which said supreme court of judicature shall have, and the same court is hereby declared to have, full power and authority to exercise and perform all civil, criminal, admiralty, and ecclesiastical jurisdiction, and to appoint such clerks, and other ministerial officers of the said court, and such reasonable salaries as shall be approved of by the said governor general and council, and to form and establish such rules of practice, and such rules for the process of the said court, and to do all such other things as shall be found necessary for the administration of justice, and the due execution of all or any of the powers, which by the said charter shall or may be granted or committed to the said court: and also shall be, at all times, a court of record, and shall be a court of oyer and terminer and jail delivery, in and for the said town of Calcutta, and factory of Fort William in Bengal aforesaid, and the limits thereof, and the factories subordinate thereto."—" Provided nevertheless, and be it further enacted by the authority aforesaid, that the said new charter, which his Majesty is herein before impowered to grant, and the jurisdictions, powers, and authorities to be thereby established, shall and may extend to all British subjects who shall reside in the kingdoms or provinces of Bengal, Bahar, and Orissa, or any of them under the protection of the said united company, and the same charter shall be competent and effectual: and the supreme court of judicature therein and thereby to be established, shall have full power and authority to hear and determine all complaints against any of his Majesty's subjects, for any crimes, misdemeanors,

misdemeanors, or oppressions, committed or to be committed; and also to entertain, hear, and determine, any suits or actions whatsoever, against any of his Majesty's subjects in Bengal, Bahar, and Orissa, and any suit, action, or complaint, against any person who shall, at the time when such debt or cause of action or complaint shall have arisen, have been employed by, or shall then have been, directly or indirectly, in the service of the said united company, or of any of his Majesty's subjects."

Your committee, on reading the petition of the British inhabitants of the provinces of Bengal, Bahar, and Orissa, observe, that it presents two principal objects to the consideration of the House; first, their application for trial by jury in civil as well as criminal cases; and secondly, for some regulation on the admission or rejection of evidence in trials before the supreme court, or on appeals from their judgment. With regard to the latter, your committee conceive, that the propriety of the application will depend more upon principles and reasonings to be suggested by the wisdon of the house than on any enquiry into matter of fact competent to this committee; and as to the former, your committee will now lay before the house the result of their examinations on that object.

Mr. William Hickey being again examined by your committee, was asked, whether he knows of any instances in which the judges of the supreme court at Calcutta have refused trial by jury in civil cases? said, he did, in two actions brought against Mr. Creassy; that the British inhabitants petitioned the court for trial by jury, and in that petition made a voluntary tender of their services as jurors, provided the court should grant the prayer of their petition; that the judges gave a written answer, wherein they referred the petitioners to the answer they had before verbally given to Mr. Creassy. Being asked, whether the English in general shewed a great readiness to serve upon juries? he said, after the business of the petition was set on foot, they did. Being asked, if he knows any instances of British subjects wishing to avail themselves of an exemption by offices or otherwise, from serving upon juries? he said, that he has heard of several, and can speak positively to some public officers of the company; and the reasons he believes are assigned on the company's records; and that he has heard a great many complaints of the difficulty of obtaining justice from the want of trial by jury. Being asked, if he knew the number of British householders of Calcutta, whithin the Mahratta ditch? he said, he should suppose about for hundred, more or less. Being asked, if he can judge how many of the four hundred were allowed to be exempted from serving on juries, by the offices they held under the government? he said, when he came away, none, except the governor general and council. Being asked, whether, when those exemptions were granted by the court' they were granted as matter of right, or indulgence? he said, they were certainly granted as matter of indulgence. Being asked, what he supposed to be the number of those residing in and about the town of Calcutta, who were allowed to be exempted from serving on juries? he said, he should suppose they might be about forty. Being asked, if he knows what reasons were given by the advocates of the court, for refusing to undertake the argument of the demurrers on the part of the defendant, Creassy? he said, two of them refused generally, without assigning any reason; a third, because he should not succeed; and a fourth, because he would not fly in the face of the court. Being asked, whether he was in Calcutta when a great respondon-

tia cause was tried in the supreme court? he said, he was, but did not attend that cause; but that it was considered in Calcutta as a cause of great consequence to the commercial interest of that place. And being examined, as to what he had generally heard concerning that proceeding? he said, he had heard it commonly stated as a matter of complaint among the parties interested in that suit, and among merchants in general, that it was not decided by a jury, as such a case would have been in England. The witness said, farther, that he had often heard in public conversation, the determination of that case mentioned, as an instance of the necessity of establishing a trial by jury. Being asked, if he knew whether in that case the judges examined into the local usages and customs of merchants in that country, or whether they proceeded according to the strict rules of Westminster-hall? he said, that he has heard in conversations, that they formed their opinions from the strict letter of the common law of England; he has also heard, that the process of the court in that case, did discover some informality in the mode which had at all times prevailed in Calcutta, of drawing respondentia bonds, and which had a most proved fatal to the plaintiffs, and which tended to vitiate all respondentia bonds then existing; and that the proceedings in that case greatly alarmed the trading inhabitants of Calcutta, and were the subject of public discussion for a long time. Being asked, whether the respondentia business was not the great support of the foreign trade from the port of Calcutta? he said, it certainly was.

Your committee then examined Mr. James Creassy; who being asked, if there was any action brought against him in the supreme court of judicature at Calcutta? informed your committee, that there were two; that the plaints were laid for an assault and battery, and a breach of the King's peace; and that the damages in each action were laid at ten thousand rupees; that they were tried without a jury; that in both actions he applied to all the advocates to argue the demurrers, which were [illegible] to his pleas, in order to obtain that right, and they all refused their assistance; and that he was therefore under the necessity of appearing in person in the supreme court to argue the demurrers. Being asked, what ground the advocates [illegible] for the refusal of their assistance? he said, one informed him, that he would not take his money, because he could not be of any service to him; but it appeared evident to him, that they were determined not to undermine the point of law of the supreme court. Being asked, when he claimed a trial by jury, as his right publicly in the supreme court, what answer the court made to his claims? he said, they refused it, and ordered the cause to be set down *ex parte*. Being asked upon what grounds the court refused it? he said, they asserted a power of trying all civil causes, whether actions of trespass or [illegible], by virtue, as he understood, of his Majesty's charter; and declared, they had no power to summon a jury in such cases. The witness being farther asked, whether he had or had not, in any case, declined serving upon a jury, [illegible] residing whithin the limits of Calcutta? said, he was subpœnaed to serve upon a jury, to try several natives as criminals, and finding himself particularly disqualified by the letter of the act of parliament, he stated his disqualification to the chief justice, who, after some argument, was pleased to acknowledge that he was right; and that he was therefore released from his attendance. Being asked, whether many other of the English residing within Calcutta or its dependencies, have not endeavoured to avail themselves of exemptions from serving on

on juries in criminal cases? he said, he does not know of any particular instance; but he has heard some of the British inhabitants rather wish to decline serving on juries, where the life of the natives was concerned; but that could never apply where the life of a British subject was concerned.

Your committee then examined Mr. Joseph Price; who, being asked whether the unpopularity of the court with the company's servants proceeded from their opinion, that the court was sent to restrain their oppressions? said, he believed not, from his soul. Being asked, at what time the proceedings of the supreme court became disagreeable to the British and native inhabitants? said, he believes in a few months after its establishment. Being asked, whether addresses were not presented, both from the British and native inhabitants, to the judges of the supreme court, expressing their greatest satisfaction in the institution and conduct of that court? he said, there certainly were; that his name appears to two of them, to that of the grand jury, and to that of the free merchants. And being asked, if they had at that time tried any number of causes? he said, that he never went to the court, except he was summoned there, or as a juryman, save once or twice; that the first time that he was summoned as a juryman, was on the trial of Mar Rajah Nundcomar; that he and the rest of the gentlemen were pleased with the conduct of the judges in the refusal of blank subpoenas, and many other parts of their conduct in that trial; but he does not know what number of causes before that time had been tried. Being asked, who had applied for the blank subpoenas? he said, Mr. Farrer, as counsel for Nundcomar. Being asked, whether he thinks that the introduction of the English criminal law, which makes such a number of offences capital, and which are not capital in India, or which inflicts heavier and other penalties than those inflicted by the law of their country, would be pleasing to the natives, or is necessary for the security of property, or the maintenance of law and good order amongst the people of Bengal? he said, that he is very sure that the inhabitants of Calcutta and the provinces have a general aversion to the introduction of the English criminal law, and that it is productive of many evils. Being asked, whether the more opulent part of the natives of Bengal, both Gentoos and Mussulmans, are not a civilized people, of reasonable good understanding, general good morals, and very conversant in business? he informed your committee, they are a very sensible, civilized people, and very conversant in all kinds of business; but that the Mahomedans and Hindoos are prejudiced in favour of their own laws full as much as Englishmen are here. Being asked, if men of substance amongst them were chosen to serve upon juries at Calcutta, in trials between native and native, or conjointly with Englishmen, where mixed interests were concerned, they could be capable of performing the function of jurymen, with proper instructions? he said, they certainly could be very competent to serve as jurymen. Then being asked, whether the great expence of process in the supreme court has not been a great cause of complaint among British subjects and natives? he said, it had been very much complained of. Being asked, if he had often heard complaints of the want of a trial by jury in civil causes, tried before the supreme court? he said, he had often heard of it and he often wished, that as there were so few European inhabitants in the settlement to supply the juries, that the custom of Bombay had been introduced at Calcutta, of having six Europeans and six natives to form a jury in civil cases; that he had often conversed with the principal banyans upon the subject,

 and

and they ſeemed to think, that if their ſuits muſt be tried by the Engliſh law, they would be glad to have ſome of their own countrymen ſit on the deciſion, which would bring it nearer to the mode of deciſion in their own courts— That the moſt intelligent natives he ever converſed with, had not an idea of making a diſtinction between law and equity. Being aſked his opinion as to the practicability of introducing juries in civil caſes at Calcutta? he ſaid, it is utterly impoſſible, if the jurors are to be all Europeans; but very practicable, if the juries were to conſiſt of half natives, where a native was concerned pro or con; but all Europeans muſt ſit where the plaintiff and defendant are Europeans; and that ſuch a plan would be very acceptable to both one and the other. Being aſked, if the Europeans would be ſatified to have half the jury compoſed of natives? he ſaid, he thought they would. Being asked, if he thinks, that in certain caſes, juſtice was obſtructed by the ancient conſtitution of the mayor's court at Calcutta; he ſaid, he remembered, that the diſlike to the mayor's court aroſe from the appointment of the aldermen being veſted in the governor and council, but if the whole of the European inhabitants had been allowed to ballot for the aldermen, as vacancies happen, very few appeals would have been made from their deciſion; that he thinks the mayor's court was competent to all the purpoſes of adminiſtering juſtice in caſes of property, within the bounds of the old charter. Being asked, if the objection made by the inhabitants to the mayor's court, on account of its members being appointed by the governor and council, was not removed by the appointment of a judicature immediately from the crown? he ſaid, that evil was removed, but a much greater was introduced. Being asked, whether the inſtitution of the ſupreme court, and the arrival of the judges, was not generally pleaſing to the people? he ſaid, as a mere ſhew, he believes it was to the natives; but they were not competent to judge of it, till they experienced the effects. As to the Europeans, at firſt they were well pleaſed to have the laws of their country introduced amongſt them; but when they felt the conſequences of the unbounded power in the judges of the ſupreme court, by the charter of juſtice, they were univerſally diſguſted at it. Being aſked, whether the judges of the ſupreme court, being appointed for the purpoſe of reſtraining the company's ſervants, was not the cauſe of this diſcontent? he ſaid, he believed not.

And that the Houſe may be enabled to form a comparative judgment of the general as well as comparative expence attending the inſtitution of the ſupreme court of judicature at Fort William, and the late mayor's court at Calcutta, your committee have inſerted in the report,

An account of the expence of the mayor's court at Calcutta for five years, with the average for one year.

From 1ſt May, 1769,	to 30th April,	1770	C.	Rs.	14,246
1770	- -	1771	-	-	9,225
1771	- -	1772	-	-	23,493
1772	- -	1773	-	-	16,347
1773	- -	1774	-	-	17,096
			C.	Rs.	80,407
Average expence of one year	- -		C.	Rs.	16,081

An

An account of the expence of the supreme court of judicature at Calcutta, for five years, with the average for one year.

1774	to	1775	C. Rs.	3,19,867
1775	- -	1776	- -	3,90,701
1776	- -	1777	- -	3,95,872
1777	- -	1778	- -	5,41,030
1778	- -	1779	- -	5,69,126
			C. Rs.	22,16,596
Average expence of one year			C. Rs.	4,43,319

Your committee have alſo annexed, in the General Appendix, No. 40, an account of charges incurred ſince the eſtabliſhment, and in the ſupport and maintenance of the ſupreme court of judicature in Bengal, ſigned by the governor general and council, and dated the 3d of March, 1780; the total of which is, current rupees 34,93,160. 14. 4. or about 349,000l.

END OF THE SECOND VOLUME.

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